

No. 11594

United States
Circuit Court of Appeals
For the Ninth Circuit.

THE ATTORNEY GENERAL OF THE
UNITED STATES,

Appellant,

vs.

WILLIAM WADE RICKETTS,

Appellee.

Transcript of Record

Upon Appeal from the District Court of the United States
for the Eastern District of Washington,
Northern Division

FILED
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PAUL P. O'BRIEN,
CLERK

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In the District Court of the United States in and for the Eastern District of Washington, Northern Division.

No. 460.

WILLIAM WADE RICKETTS,

Plaintiff,

vs.

THE ATTORNEY GENERAL OF THE UNITED STATES,

Defendant.

PETITION FOR DECLARATORY JUDGMENT

Petitioner shows to this Honorable Court:

1.

That your petitioner is a resident of the City of Spokane, County of Spokane, State of Washington which is within the jurisdiction of the above entitled Court.

2.

That this petition is brought pursuant to Section 502 of Nationality Act of 1940, 8 U. S. C. A., Section 903.

3.

That your petitioner was born at Hydro, Oklahoma, which was and is one of the States of the United States, on the 3rd day of February, 1902.

4.

That his father was Siegel Ricketts, who was born in the State of Indiana which was and is one of the

States of the United States, and this his mother was Emma Shepard prior to her marriage to his father, who was born at Peoria, Illinois, which was and is one of the States of the United States. That ever since his birth your petitioner was and now is a citizen of the United States of America, and as aforesaid is now residing at Spokane, County of Spokane, State of Washington.

5.

That the defendant erroneously contends and asserts [1*] that your petitioner is an alien subject to deportation.

Wherefore your petitioner prays for a judgment of this Court adjudging him to be a citizen of the United States of America and declaring him to be entitled to all the rights, privileges and immunities guaranteed citizens of the United States of America under its Constitution and laws.

GEO. W. YOUNG,
Attorney for the Plaintiff.

State of Washington,
County of Spokane—ss.

William Wade Ricketts, being first duly sworn, upon oath deposes and says: That he is the plaintiff named above; that he has read the foregoing petition, knows the contents thereof, and verily believes that the same are true.

WM. WADE RICKETTS.

* Page numbering appearing at foot of page of original certified Transcript of Record.

Subscribed and sworn to before me this 20th day of February, 1945.

GEO. W. YOUNG,

Notary Public in and for the State of Washington, residing in Spokane.

[Endorsed]: Filed Feb. 21, 1945.

[Title of District Court and Cause]

ANSWER

Comes now the defendant, by Edward M. Connelly, United States Attorney for the Eastern District of Washington, and answering the petition for Declaratory Judgment of plaintiff herein, admits, denies and alleges as follows:

I.

Answering Paragraph I, defendant denies that petitioner is a resident of the City of Spokane, County of Spokane, State of Washington, or a resident of the Eastern Judicial District of Washington, as the term "resident" is defined in Title 8, Section 903, United States Code Annotated. [2]

II.

Answering Paragraph II of said petition, defendant denies that the action set forth in plaintiff's petition is brought pursuant to Section 502 of the Nationality Act of 1940, but admits that petitioner's

proceedings may have been brought under Title 8, United States Annotated Code, Section 903.

III.

Answering Paragraph III, defendant alleges that he has no information or knowledge upon which to base a belief concerning the allegations of said Paragraph III, and therefore denies same, save and except that Oklahoma is one of the States of the United States, which defendant admits.

IV.

Answering Paragraph IV, defendant alleges that he has no information or knowledge upon which to base any belief concerning the place of birth of Siegel Ricketts, father of the plaintiff, or Emma Shepard, mother of the plaintiff, and therefore denies the allegations with reference to the place of birth of each of said persons.

Further answering Paragraph IV, defendant denies that petitioner has been a citizen of the United States ever since his birth, and denies that he is now a citizen of the United States, and further denies that petitioner is a resident of Spokane County, State of Washington, as the term "resident" is defined in Title 8, Section 903, United States Code annotated.

V.

Answering Paragraph V, defendant denies that he erroneously contends and asserts that petitioner is an alien subject to deportation, and affirmatively

alleges the fact to be that said petitioner is an alien subject to deportation.

For a separate and affirmative defense to said plaintiff's petition, defendant alleges as follows:

I.

That Siegel E. Ricketts, father of the petitioner, was naturalized in the Dominion of Canada, on December 31, 1914, and that plaintiff was a minor child residing in Canada with his father at that time.

II.

That by virtue of the naturalization of his said father in Canada on [3] December 31, 1914, the said plaintiff became a citizen of the Dominion of Canada on December 31, 1914.

III.

That plaintiff, after he had attained the age of 21 years, and while residing in the Dominion of Canada, exercised his right and privilege as a citizen of Canada by voting in the General Provincial Election in the Province of Alberta, Canada, in 1927.

IV.

That during the time he resided in the Dominion of Canada, the plaintiff held the elective offices of school trustee and Counsellor of the Municipality at Round Hill, Saskatchewan, Canada, from in or about 1918 to in or about 1922, and that such public office required Canadian citizenship as one of its qualifications.

V.

Defendant alleges that plaintiff, if he was born in the United States as claimed by him, became a dual national of the United States and Canada on the date of his father's Canadian naturalization, to-wit: December 31, 1941; that he attained his majority some time in 1922 or in 1923; that thereafter he lost his United States citizenship by electing to retain Canadian nationality; that the plaintiff made no attempt, for a period of 13 or 14 years after attaining his majority, and while he was a resident and citizen of Canada, to return to the United States for permanent residence, until October 26, 1937, and that he otherwise made no effort to claim, maintain or reestablish his citizenship as a United States national from the date of his majority until the institution of his present action, but that he did affirmatively elect to abandon such United States citizenship at the time of attaining his majority in Canada in 1922 or 1923 and continuously thereafter for a period of 14 years.

For a second affirmative defense to said plaintiff's petition, defendant alleges as follows:

I.

That plaintiff's petition fails to state any right or privilege as a national of the United States, which right or privilege has been denied by the defendant.

Wherefore, defendant prays:

1. That petitioner take nothing by his action.
2. That the Court enter judgment dismissing plaintiff's petition and in favor of defendant.

3. For his costs and disbursements expended herein and for such further relief as the Court may deem proper in the premises.

EDWARD M. CONNELLY,
United States Attorney for the Eastern District of
Washington, Attorney for Defendant.

Service of the within answer by receipt of copy thereof is acknowledged this 5 day of March, 1945.

GEO. W. YOUNG,
Attorney for Petitioner.

[Endorsed]: Filed Mar. 5, 1945. [5]

In the District Court of the United States for the
Eastern District of Washington, Northern
Division

No. 460

WILLIAM WADE RICKETTS,

Plaintiff,

vs.

THE ATTORNEY GENERAL OF THE
UNITED STATES,

Defendant.

Spokane, Washington, September 30, 1946

Before: Hon. Sam M. Driver,
United States District Judge.

Appearances:

George W. Young of Spokane, Washington, for
the Plaintiff.

Harvey Erickson, United States Attorney for the
Eastern District of Washington, of Spokane, Wash-
ington, for the defendant. [6]

RECORD OF PROCEEDINGS AT THE TRIAL

Be It Remembered, that on the 30th day of Sep-
tember, 1946, the above-entitled cause came regu-
larly on for trial in the above court at Spokane,
Washington, before the Honorable Sam M. Driver,
Judge of said court, sitting without a jury; the
plaintiff appearing by George W. Young, of Spo-
kane, Washington; the defendant appearing by Har-
vey Erickson, United States Attorney for the East-

ern District of Washington, of Spokane, Washington;

Whereupon, the following proceedings were had and done, to-wit:

(Mr. Young made an opening statement to the Court on behalf of the plaintiff.) [10]

WILLIAM WADE RICKETTS

the plaintiff, called as a witness in his own behalf, being first duly sworn, testified as follows:

Direct Examination

By Mr. Young:

Q. Your name is William Wade Ricketts?

A. Yes.

Q. And you're the petitioner in this case?

A. Yes.

Q. Against the Attorney General of the United States. Where were you born, Mr. Ricketts?

A. I was born in the village of Hydro, Oklahoma.

Q. Hydro, Oklahoma? A. Yes.

Q. I wish you would speak loudly and distinctly. What was your father's name?

A. Siegel Ricketts.

Q. And do you know where he was born, or where he was reputed to have been born?

A. Well, not exactly; in the State of Iowa, I believe.

Q. And where was your mother born?

A. State of Illinois.

(Testimony of William Wade Ricketts.)

Q. Now, did you go to Canada with your father and mother? A. Yes.

Q. When, as near as you can remember, did you go to Canada?

A. About the month of July of 1910, the year 1910. [11]

Q. Was that during the time when certain lands were open to homesteading? A. Yes.

Q. How long did you remain in Canada?

A. I remained in Canada until about the year 1925.

Q. The year 1925; about how old were you?

A. I would be approximately twenty-three years old.

Q. And did you come back to the United States?

A. Yes.

Q. At that time. Where did you live; where did you come to? A. In the United States?

Q. Yes. A. To the town of Spokane.

Q. To the town of Spokane? A. Yes.

Q. Where did you live?

A. I lived in the Ensley Apartments on Pacific Avenue, Spokane.

Q. How long did you live there?

A. Approximately six months.

Q. Then did you return to Canada?

A. Yes.

Q. When, approximately, did you return to Canada? A. In the month of April.

Q. How's that? [12]

(Testimony of William Wade Ricketts.)

A. In the month of April, the year 1926, I think it was.

Q. That's as near as you can recall?

A. Yes.

The Court: He testified, I believe, that he came down to this country in 1925. Was the month given?

Q. Will you give the month of the year when you first came down?

A. It was in the fall months, October, November; I don't remember the exact date.

Q. Now, how long did you remain in Canada?

A. I remained in Canada until the following fall.

Q. Then what did you do?

A. Returned again to the United States.

Q. Where did you locate?

A. Well, I made my residence in the International Hotel, Spokane, and I worked out of Spokane here.

Q. Now, what year would that be, the second time you came back to the United States, after having gone there with your parents?

A. That would be getting into the year 1927, I believe.

Q. 1927; you lived in the International Hotel?

A. Yes.

Q. What did you do by way of employment?

A. I made that my headquarters, worked in the lumber woods outside of Spokane. [13]

Q. Where, exactly?

A. The one I worked the longest at was situated at Marcus, Washington.

(Testimony of William Wade Ricketts.)

Q. How long did you work there?

A. Approximately four or five months.

Q. Did you again return to Canada?

A. Yes.

Q. When did you again return to Canada?

A. I returned to Canada in the year 1927; I don't remember the exact date.

Q. What year? A. In the year of 1927.

Q. Was it in the spring, or the fall?

A. It was in the spring.

Q. And when was the next time you returned to the United States?

A. In September of 1936.

The Court: There seems to be some error here. If I get his testimony correctly, he said he stayed in Canada until the fall of 1927.

A. No, your Honor; I'm not quite clear of the exact dates. There was a period of two years I made the two trips.

The Court: According to my notes of your testimony, you stayed in Canada until the fall of 1927, and then you returned there in the spring of 1927.

A. I returned here in the fall of 1926; returned to Canada in the spring of 1927.

Q. You didn't keep a diary of these events?

A. No records.

Q. You're relying upon your memory at this time?

A. Yes; that's a good many years ago.

Q. Now, when was the next time, in the order of

(Testimony of William Wade Ricketts.)

sequence, that you returned to the United States, approximately?

A. In the month of September, 1936.

Q. Where did you locate?

A. I located at Twisp, Washington.

Q. In what county?

A. Okanogan County.

Q. That's in Washington?

A. In Washington State.

Q. What business did you engage in?

A. I engaged in the restaurant business.

Q. How long did you operate a restaurant in Twisp?

A. I operated a restaurant in Twisp until the summer of 1938.

Q. Now, you returned at what time, approximately?

A. I returned to the United States in September, 1936.

Q. 1936?

A. I returned to Canada in June of 1938.

Q. Now, what occasioned your return to Canada at that time? [15]

A. Well, the Immigration Service had started deportation proceedings against me.

Q. Well, were you taken into custody?

A. Yes.

Q. And were you confined somewhere?

A. Yes, I was confined in the county jail in Spokane ten days.

Q. Did you have counsel at that time?

(Testimony of William Wade Ricketts.)

A. No, I did not.

Q. Following your confinement, were you deported? A. Yes.

Q. At least, you were ordered out of the country?

A. Yes, I was ordered out of the country.

Q. During the time you were living in Twisp you say you engaged in the restaurant business?

A. Yes.

Q. What, if any, interest did you take in civic affairs?

A. Well, I took interest in all civic affairs, running of the village, small village.

Q. What did you do by way of citizenship burdens?

A. Well, I voted for the town council, the mayor of the town. I didn't hold any office, or that sort of thing, but I was always interested in any affairs that might pertain to the affairs of the community.

Q. What about the community welfare? [16]

A. I subscribed to that, and was an active member of the committee.

Q. What, if anything, did you do about joining fraternal organizations peculiar to the United States?

A. I didn't do anything of that kind.

Q. After your deportation in 1938, where did you go; that is, what part of Canada did you go to?

A. I went to Calgary, Alberta.

Q. How long did you remain there?

A. I remained there a trifle over one year.

(Testimony of William Wade Ricketts.)

Q. When did you return to the United States, if you did?

A. I returned to the United States in the month of December, 1939.

Q. Where did you go?

A. I returned to Spokane.

Q. What business or occupation did you pursue?

A. I worked in the lumber woods for a period of six or eight months, and then I engaged in the restaurant business.

Q. How long a period of time did you live here following that return, the last one that you've mentioned?

A. I have lived continuously ever since.

Q. What's that?

A. I have lived continuously ever since.

Q. You have lived here continuously since 1939?

A. In and around the city of Spokane.

Q. What business have you engaged in?

A. I have engaged in the restaurant business, principally.

Q. Where was your restaurant located?

A. 110 North Division Street, Spokane?

Q. Were you again apprehended by the immigration authorities? A. Yes.

Q. When did that occur?

A. That was the first week in January of 1943, I believe.

Q. Did you, at their suggestion, make a short trip into Canada for the purpose of securing some credentials? A. Yes, I did.

(Testimony of William Wade Ricketts.)

Q. Suggested by them? A. Yes.

Q. By the way, when did you employ me as counsel in this case?

A. Approximately two years ago.

Q. And during that time that you were up in Canada—when was it that you went to Canada for a short time?

A. I went to Canada in June—in May, two years ago, that would be 1944.

Q. Were you able to secure these credentials that was thought would facilitate your re-entry into the United States? [18]

A. No, I was unable.

Q. Did you come back? A. Yes.

Q. And you have been here ever since?

A. Ever since.

Q. Now, what, since you have been living in Spokane since 1939, have you been doing by way of assuming your citizenship duties?

A. I have assumed all the privileges of a citizen, exercised my rights as a citizen, I have assumed all the responsibilities of a citizen.

Q. Specifically, how did you assume those responsibilities, or exercise those rights?

A. Voting in elections.

Q. Are you a registered voter in Spokane?

A. Yes, sir.

Q. And you have been here, then, continuously since that time?

A. Continuously since that time.

(Testimony of William Wade Ricketts.)

Q. During the times you were in Canada what, if any, citizenship did you claim? A. None.

Q. Well, did you claim to be a citizen of any particular country, when you were in Canada?

A. I always claimed to be a citizen of the United States. [19]

Q. You professed to be a citizen of the United States during the times you were in Canada?

A. At all times.

Q. And you claim to be a citizen now?

A. Yes.

Mr. Young: You may inquire.

Cross-Examination

By Mr. Erickson:

Q. Mr. Ricketts, your father was naturalized in Canada as a Canadian or British subject, was he not? A. I believe so.

Q. Your mother became a British subject, too, in Canada, did she not? A. Yes.

Q. Do you remember the dates of naturalization of your father and mother as British subjects?

A. I believe it was in the month of December, 1915.

Q. And they lived in Saskatchewan at that time?

A. Yes.

Q. Now, when you entered the United States, when was it, in 1925, you say, the first time, in October or November?

A. Yes, as near as I remember it.

Q. And how old were you at that time?

(Testimony of William Wade Ricketts.)

A. I would be approximately twenty-three years old.

Q. Let's see, you were born in February, 1902?

A. That's right. [20]

Q. So at that time, then, you would be about twenty-three years and eight or nine months of age when you first entered the United States?

A. I imagine so, yes.

Q. And did you—or, how did you cross the line at that time? What information did you give them when you came into the United States?

A. I came in and reported at Eastport, Idaho.

Q. You reported at Eastport?

A. Yes, and they let me come as an American coming home.

The Court: I can't hear you, Mr. Ricketts.

A. They let me cross the line in 1925 as an American returning back to the United States, the country of my citizenship.

Q. When was the first time that you received a hearing, a warrant hearing, or hearing before the Immigration officials?

A. It was in the first week in March of 1938.

Q. That was the first time that you had a hearing before the Immigration officials? A. Yes.

Q. For the purpose of refreshing your memory, I will ask you if you did not have a hearing before a board of special inquiry at Vancouver, B. C., on October 26, 1937? A. Yes, that's true. [21]

Q. And that was before the Canadian Board up there at that time? A. Yes.

(Testimony of William Wade Ricketts.)

Q. Before an American Board? A. Yes.

Q. Before Mr. Alpheus M. Illman, Chairman, Earl F. Brakke, and Carl E. Johnston?

A. I do not know their names.

Q. Did you state at that time anything as to your nationality? A. Yes.

Q. What did you tell them?

A. I told them I was an American.

Q. You were asked as to your citizenship at the time of that hearing, were you not?

A. Yes, I believe so.

Q. And you stated that you were an American citizen? A. Yes.

Q. When is the next time that you had a hearing before the Immigration Service?

A. In March of 1938.

Q. And where was that?

A. Right here in the town of Spokane, before Inspector Stewart.

Q. In the immigration offices here in Spokane?

A. Yes, I believe they were in the Radio Central Building in [22] Spokane.

The Court: I wish you would keep your voice up, Mr. Ricketts. You have a rapid form of speech. I can't hear from where I'm sitting.

Q. I will ask you if you did not have a hearing before Frank S. Nooney, this man right here, Immigrant Inspector and Examining Officer—

A. He's the gentleman that arrested me and brought me to town.

(Testimony of William Wade Ricketts.)

Q. Wait until I finish the question, please; at Twisp, Washington, on March 1, 1938?

A. No, I didn't have any hearing.

Q. Well, were you asked questions, and answers written to the questions that were asked you at that time?

A. No, sir.

Q. What was the nature of the proceedings that you had before Mr. Nooney?

A. Mr. Nooney came to my place of business with a warrant and arrested me, brought me to Spokane.

Q. I will ask whether or not Mr. Nooney made the following statement to you: "You are advised that I am a United States Immigrant Inspector, and authorized by law to administer oaths in connection with the enforcement of the Immigration Law. I desire to take a statement regarding your right to be and remain in the United States. [23]"

Any statement you make should be voluntary, and you are hereby warned that such a statement may be used against you either in a criminal or deportation proceeding. Are you willing to make a statement or answer questions under these conditions?" and you answered "Yes." Do you remember that?

A. I do not.

Q. Well, do you remember later on that day of March 1, 1938, that you were given a hearing conducted by S. H. Stewart, Immigrant Inspector?

A. I do.

Q. In Spokane, Washington; I believe that was March 3, 1938.

A. Approximately that date.

(Testimony of William Wade Ricketts.)

Q. You were placed under oath at that hearing?
A. Yes.

Q. Were you asked as to your citizenship at that hearing?

A. I don't remember; I do not think I was.

Q. Do you recall the following question being asked you at that hearing: "Of what country are you now a citizen?" Do you recall that question being asked you?
A. No, I do not.

Q. It might have been asked?

A. It is possible; I do not remember it.

Q. Do you remember giving an answer that you were a Canadian, at that time? [24]

A. No, I do not.

Q. Do you remember being arrested the second time by Guy H. Walter?
A. Yes.

Q. And where was that arrest, Mr. Ricketts?

A. I wasn't exactly arrested. I was requested to come down and appear at the Immigration Service in the Welch Building. I was not arrested.

Q. Did you have a hearing at that time?

A. Yes.

Q. And I will ask you if that was on or about April 1, 1942?

A. That's approximately the date, yes.

Q. And I'll ask you whether or not Mr. Walter didn't tell you that he was an immigrant inspector, and that you did not have to make any statement, and that if you did make a statement it may be used against you later?
A. He did.

(Testimony of William Wade Ricketts.)

Q. I'll ask you at that time whether Mr. Walter asked you if you voted in Canada? A. Yes.

Q. And did you answer that you did vote in Canada? A. Yes.

Q. And did you give him the year that you voted in Canada as 1928? A. No. [25]

Q. What year did you give him?

A. I couldn't remember the exact year; I believe I told him 1927.

Q. Do you remember Mr. Walter asking you then how long you intended to remain in the States?

A. Yes.

Q. And do you remember telling him that is a very indefinite question, I only remained a couple of months; or he asked you how long you then intended to remain in the United States, in 1926, and you said that you only remained a couple of months, and then returned to Canada; do you remember that? A. No, I do not.

Q. Do you remember of having a hearing on August 2, 1943, at Spokane, Washington, before James E. Sullivan, an examining inspector for the Immigration Department? A. I do.

Q. Do you remember being asked the question "Of what country are you now a citizen or subject?" and answering "Canada"?

A. I do not.

Q. I beg pardon? A. I do not.

Q. Do you remember being asked the question "Is it on the basis of that naturalization that you

(Testimony of William Wade Ricketts.)

claim to be a [26] citizen of Canada?" and answering "Yes"? A. No, I do not.

Q. Do you remember being asked the question "Did you in Canada have all the rights and privileges of a Canadian citizen"? and answering "Yes"? A. Yes.

Q. Do you remember being asked the question "Did you hold public office in Canada"? and answering "Yes"? A. Yes.

Q. Being asked the question "What office did you hold"? and you answering "School trustee and councilor of the municipality; that's the same as county commissioner here." Do you remember answering that? A. Yes.

Q. And then being asked the question "In what municipality was that"? and answering "Roundhill, Saskatchewan"? A. No, I do not.

Q. Do you remember being asked whether or not that was an elective post, and answering "Yes"? A. Yes.

Q. Do you remember being asked "Did you have to be a citizen of Canada to hold that position"? and answering "Yes"? A. No, I don't.

Q. Do you remember being asked the question "Did you at that time always consider yourself to be a citizen of Canada?" [27] and answering "Yes"? A. No.

Q. Do you remember being asked the question as follows: "Upon attaining your majority, though, it appears that you elected to retain the citizenship acquired by you through the naturalization of your

(Testimony of William Wade Ricketts.)

father in Canada, does it not?" and answering "Yes"?

A. The question isn't quite clear, sir.

Q. Well, I'll repeat it. You were asked the following question: "Upon attaining your majority, though, it appears that you elected to retain the citizenship acquired by you through the naturalization—"; that question isn't clear. I'll have to go back and read that in connection with another one.

Question: "It was in 1923 that you became twenty-one years of age?" Do you remember answering "Yes" to that question? A. Yes.

Q. Then did you at that time consider yourself to be a citizen of Canada? A. No.

Q. Do you remember answering "Yes" to that?

A. I do not.

Q. And question: "Did you have any intention at that time of returning to the United States to reside?" and answering "No"? [28]

A. No, I do not.

Q. Question: "Did you consider yourself to be a citizen of the United States at that time?" and answering "I believe according to the Acts at that time I was. It was at one time explained to me by an immigration officer that after residing in the United States for a period of sixty days or so, I became an American citizen again." Do you remember answering that question? A. Yes.

Q. Do you remember being asked the question "How many times have you voted in Canada?" and answering "I have only voted once in the gen-

(Testimony of William Wade Ricketts.)

eral elections. The municipal and school, voting in those you have to have the same qualifications that you do in a primary or general election, but you don't prescribe to any party." Do you remember answering that question?

A. I remember telling the immigration service I voted once, but I didn't state the general election.

Q. You don't remember telling them that you did vote in any general election?

A. No, I do not.

Q. Do you remember being asked this question: "You intended when you became of age to remain in Canada indefinitely, and assume the rights and privileges of a Canadian citizen?" and answering "Yes" to that question? [29] A. I do not.

Q. Mr. Ricketts, did you make any statement to any other governmental agency in the United States that you were a Canadian citizen?

A. Not to my knowledge.

(Whereupon, Selective Service Questionnaire was marked Defendant's Exhibit No. 1 for identification.)

Cross-Examination

(Continued)

Q. I will hand you defendant's identification 1, a Selective Service Questionnaire dated May 8, 1942, and ask you if that is your signature that appears on there? A. That's my signature.

Q. William Wade Ricketts? A. Yes.

Q. I will ask you if in filling out the applica-

(Testimony of William Wade Ricketts.)

tion, Selective Service Form No. 40, in Section 9, if you did not state that you were a citizen of Canada?

A. I don't remember doing so.

Q. Is that your handwriting that appears on that form? A. It appears to be, yes.

Q. And it states, a citizen or subject of Canada, does it not? A. That's what it says there.

Q. And you put that down there, did you not, at the time?

A. No, I do not believe I did. A gentleman by the name of [30] Mr. Scott wrote that.

Q. Well, this form is acknowledged before a notary public, is it not?

A. Yes, that's my signature, it's quite true.

Q. You read it over before you signed it?

A. I should have.

Q. Well, did you?

A. I apparently did not.

Mr. Erickson: I will offer it in evidence.

The Court: It will be admitted.

(Whereupon, Defendant's Exhibit No. 1 for identification was admitted in evidence.)

DEFENDANT'S EXHIBIT No. "1"

Selective Service Questionnaire

(Stamp of Local Board)

Order No. 10559

Date of mail May 4, 1942

Local Board No. 4, Spokane City, State Armory, Spokane, Washington. May 4, 1942. 97 663 004

(Testimony of William Wade Ricketts.)

Defendant's Exhibit No. 1—(Continued)

Name: William Wade Ricketts, 110 N. Division,
Spokane, Spokane County, Washington.

Notice to Registrant

You are required by the Selective Service Regulations to fill out this Questionnaire truthfully and to return it to this local board on or before the date shown below. Willful failure to do so is punishable by fine and imprisonment.

This Questionnaire must be returned on or before May 14, 1942.

LOUIS WASMER,

Member of Local Board.

By W. D. PFEIFER,

Clerk.

Statements of the Registrant

Series I.—Identification

1. My name is William Wade Ricketts.
2. In addition to the name given above, I have also been known by the name or names of, None.
3. My residence now is N. 110 Division St., Spokane, Spokane County, Washington.
4. My telephone number now is M. 3179.
5. My Social Security number is 539-07-1107.
6. I was 40 years of age on my last birthday.

Series II.—Physical Condition (Confidential)

1. To the best of my knowledge, I have 1 physical or mental defect or disease. If so, they are, double groin hernia and wear truss.
2. I am not an inmate of an institution.

(Testimony of William Wade Ricketts.)

Defendant's Exhibit No. 1—(Continued)

Series III.—Education

1. I have completed 8 years of elementary school and none years of high school.

2. I have had the following schooling other than elementary and high school (if none, write "None"): None.

3. I can read and write the English language.

Series IV.—Present Occupation or Activity

1. I am now working at the job described under No. 2 below.

2. (a) The job I am now working at is cafe operator and dinner cook.

(b) I do the following kind of work in my present job: dinner cook and cafe operator.

(c) I have had 8 years experience in this kind of work.

(d) My average monthly earnings in my present job are \$100.00.

(e) In my present job, I am—

[] a regular or permanent employee, working for salary, wages, commission, or other compensation; I have worked 8 years in my present job, and expect to continue indefinitely in it.

[x] an independent worker, working on my own account, not hired by anyone, and not hiring any help.

[x] an employer or proprietor hiring 3 paid workers.

(f) I am not now employed in national defense work.

(Testimony of William Wade Ricketts.)

Defendant's Exhibit No. 1—(Continued)

(g) My employer is: Empire Cafe, myself, N. 110 Division St., Spokane, whose business is Eating House.

(h) Other business or work in which I am now engaged is None.

Series VI.—Occupational Experience,
Qualifications, and Preferences

1. I have also worked at the following occupations other than my present job, during the past 5 years: (If none, write "None.")

Occupation—Cafe cook and manager.

Kind of Work Done—I prepare the meals, do the buying, keep the books and general management.

Years Worked: From 1934 to 1942.

2. My usual occupation, or the occupation for which I am best fitted, is cafe operator.

3. I am not licensed in a trade or profession.

4. I have worked in the following State or States during the past 2 years: Washington and Idaho.

5. I prefer the following kind of work: operating grain farm.

I would not consider accepting a job which would require me to move away from my present home.

Series VII.—Family Status and Dependents
(Confidential except as to names and addresses of
claimed dependents)

1. I am divorced; I do not live with my wife;

(Testimony of William Wade Ricketts.)

Defendant's Exhibit No. 1—(Continued)

if not, her address is S. 12½ Howard St., Spokane; we were married at Coeur d'Alene on October 31st, 1940.

2. (a) I have none children under 18 years of age.

3. (a) The following is a list of all members of the family group in which I live (list yourself first):

Name—Wm. Wade Ricketts.

Sex—Male.

Age last birthday—40.

Relation to Me—Self.

Amount this person earned by work during past 12 months—\$1200.00.

(b) I contributed \$300.00 during the last 12 months to the support of the above-listed family group.

7. I do rent the house or apartment in which I live; if so, the monthly rent now is \$.

9. Other facts which I consider necessary to present fairly my own status and that of my dependents as a basis for my proper classification are (if none, write "None"): Nothing to say.

Series IX.—Citizenship

1. I was born at Hydro, Okla., U.S.A.
2. I was born on Feb. 3, 1902.
3. My race is White; Scotch Irish.

(Testimony of William Wade Ricketts.)

Defendant's Exhibit No. 1—(Continued)

4. I am not a citizen of the United States.
5. I was last a citizen or subject of Canada. My Alien Registration No. is None.
6. My permanent residence has been in the United States since Dec. 6, 1939.
7. I have not filed a declaration of intention to become a citizen of the United States (first papers).

Series XI.—Court Record (Confidential)

1. I have been convicted of a crime, other than minor traffic violations.
2. The record of my convictions is as follows:
 Offense—Illegal entry.
 Date—June 6th, 1938.
 Court—U. S. Federal Court, Spokane, Wn.
 Sentence—10 days in county jail.
3. I am not now being retained in the custody of a court of criminal jurisdiction, or other civil authority.

Registrant's Affidavit

State of Washington,
 County of Spokane—ss.

I, William Wade Ricketts, do solemnly swear (or affirm) that I am the registrant named and described in the foregoing statements in this Questionnaire; that I have read (or have had read to me) the statements made by and about me, and that each and every such statement is true and complete to the best of my knowledge, information, and belief.

(Testimony of William Wade Ricketts.)

Defendant's Exhibit No. 1—(Continued)

The statements made by me in the foregoing are in my own handwriting.

/s/ WILLIAM WADE RICKETTS.

Subscribed and sworn to before me this 7th day of May, 1942.

[Seal] /s/ GEO. H. DODD,
Notary Public.

Minute of Action by Local Board No. 4, Spokane City, State Armory, Spokane, Washington, May 12, 1942. 97 663 004

The local board classifies the registrant in Class 1, Subdivision, by the following vote: Yes 2, No

/s/ R. J. RAYMOND,
Member.

Minutes of Other Actions

6/16/42—MSP Reg. class IA per auth 625.51 (e) Form 57 sent reg. Geo. G. Gunn.

10/31/42—Form 150 mailed to appear 11/11/42.

11/4/42—Ind. pp telegram St. Hdqs. 11/4/42

11/17/42—Form 150 mailed to report 12/16/42.

Dec. 16/42—MSP IV-H. Geo. G. Gunn.

8/30/43—Regis. class I-A(H)—57 sent. Geo. G. Gunn.

2/14/45—Class IV-A 57 reg. Geo. G. Gunn.

(Testimony of William Wade Ricketts.)

Mr. Erickson: I will ask permission for the clerk to substitute a copy for Defendant's 1 later on, because it is part of the permanent Selective Service file.

The Court: I think that may be done. The signature has been admitted.

Mr. Young: I have no objection to a substitution.

The Court: You may substitute a copy.

(Whereupon, Immigration and Naturalization Service Form No. 1-55 was marked Defendant's Exhibit No. 2 for identification.)

Cross-Examination

(Continued)

Q. I will ask you, Mr. Ricketts, whether or not in August, 1943, on August 2, 1943, you filled out Form No. 1-55 [31] with the Department of Justice, Immigration and Naturalization Service, the form therein, and acknowledged its truth and swore to its veracity before James E. Sullivan, in this room, an immigrant inspector? A. I did.

Q. Is that your handwriting that appears thereon? A. That's my signature, sir.

Mr. Young: I would like to reserve, if this is what I think it is, I would like to reserve or inquire into the circumstances under which this was signed. I don't deny the execution of the document, and the manner and form, but the circumstances under which it was executed.

The Court: Would that affect its admissibility,

(Testimony of William Wade Ricketts.)

Mr. Young, or just the construction to be placed upon it?

Mr. Young: I have an idea, your Honor, that it would merely affect the construction to be placed upon it, and the circumstances under which it was executed would be taken into consideration by the court.

The Court: I will admit it in evidence; then you can go into the circumstances on redirect.

(Whereupon, Defendant's Exhibit No. 2 for identification was admitted in evidence.)

[Defendant's Exhibit No. 2 set out on pages 242 to 263.]

Cross-Examination
(Continued)

Q. In this form, Mr. Ricketts, did you state in there—— [32]

The Court: What is the date of this, Mr. Erickson?

Mr. Erickson: This is sworn and acknowledged on August 2, 1943.

Q. Did you state in that form there that you are a citizen or subject of Canada, a British subject, in quotation marks?

A. I stated that the immigration service assumed that. That was really questions——

Q. Well, I move the answer be stricken and the witness directed to answer the question. Did you state that you were a——

A. Not to my knowledge.

(Testimony of William Wade Ricketts.)

Q. This has been admitted. Well, that last form that was executed on August 2, 1943, was filled out on your part voluntarily, was it not?

A. I did not fill it out at all, to my knowledge.

Q. Oh, you didn't fill it out at all? A. No.

Q. You signed it, though? A. I signed it.

Q. You did not read it before you signed it?

A. I apparently did not.

Q. Well, now, Mr. Ricketts, you were in jail at that time, were you not? [33] A. I was not.

Q. Or were you under arrest?

A. I was under arrest.

Q. And you made application to go back to Canada voluntarily, did you not? A. Yes.

Q. And you did not have to make that application?

Mr. Young: I object to that, as to what he had to do or did not have to do. He can state the facts.

Mr. Erickson: This man is just making a request for affirmative action——

The Court: Well, that's rather a broad question. I think it calls for a conclusion. I think it should be stated more specifically.

Cross-Examination

(Continued)

Q. Were you directed by anybody to make out that form? A. Yes.

Q. Who directed you?

A. Inspector Walter.

(Testimony of William Wade Ricketts.)

Q. What did he tell you about making out that form?

A. I don't remember that he specified—

Q. Did he tell you you could make it out or could not make it out, or did he tell you you must make it out?

A. He gave me the impression I must.

Mr. Erickson: I move the answer be stricken.

The Court: You can bring that out. I'll let the answer stand.

Cross-Examination

(Continued)

Q. What did Walter tell you about the form?

A. As I remember it, he told me it was merely an application to—he gave me the information that if I would fill out this form I wouldn't be prosecuted for illegally entering the United States.

Q. Instead of prosecuted you mean deported, don't you?

A. No, I mean prosecuted, before being deported.

Q. Had you ever been deported before?

A. Yes.

Q. When? A. In 1938.

Q. Now, you state that you registered as a voter in Twisp, Washington?

A. No, I was never registered as a voter, to my knowledge.

Q. You say you voted for a town councilman in Twisp? A. Yes.

(Testimony of William Wade Ricketts.)

Q. You don't have to be a registered voter, then, to vote for a town council?

A. Well, apparently not; my vote wasn't questioned.

Q. Now, this last time, you said that you came to Spokane in 1939, in September?

A. Yes. [35]

Q. And did you register at that time?

A. Not at that time, no.

Q. When did you register as a voter?

A. Oh, I don't remember; three or four years ago.

Q. Three or four years ago?

A. Yes; I don't remember.

Q. That would be 1942 or 1943?

A. Yes, approximately that date.

Q. Did you vote in the election in 1942?

A. No, not in the general election.

Q. What general elections did you vote in?

A. I voted in the present election, the primaries of this year.

Q. That's since this action was instituted?

A. Yes.

Q. You did not vote before you filed this action for declaratory judgment for citizenship?

A. I don't remember whether I did not, prior to the date of the action.

Q. Well, you would remember the first date you voted in the United States?

A. Well, I stated the first time was at Twisp.

(Testimony of William Wade Ricketts.)

Q. I mean you would remember the first time you voted in a general election in the United States?

A. I believe I voted in the general election of 1938, in [36] Twisp.

Q. In the hearing in 1943 before Immigrant Inspector Sullivan, were you asked the following question: "Did you ever vote in the United States?" Do you remember being asked that question?

A. No, I do not.

(Whereupon, Immigration and Naturalization Form 548 was marked Defendant's Exhibit No. 3 for identification.)

Cross-Examination

(Continued)

Q. Mr. Ricketts, on or about, on September 6, 1936, at Oroville, do you remember making out and signing at that time Immigration and Naturalization Form 548, which is a manifest, a record of admission to the United States? Do you remember signing that? A. I do.

Q. And that is your signature that appears on there? A. Yes.

(Whereupon, Immigration and Naturalization Form 694 was marked Defendant's Exhibit No. 4 for identification.)

Cross-Examination

(Continued)

Q. I will hand you defendant's identification 4, which is a record of alien admitted as visitor, Form

(Testimony of William Wade Ricketts.)

694, and ask you if you signed that on September 6, 1936? [37] A. I did.

Mr. Young: I can't see the materiality of exhibit for identification 3.

Mr. Erickson: All right, I will pass it up to the court. The purpose is to show at that time he claimed to be a Canadian.

Mr. Young: I object to it. I didn't notice that on the form. If it is an admission against interest, why, of course it would be admissible. I didn't catch that.

The Court: On this nationality, it looks like an abbreviation of Canada. It will be admitted.

(Whereupon, Defendant's Exhibit No. 3 for identification was admitted in evidence.)

113074

(DEFENDANT'S EXHIBIT NO "3")

MANIFEST Part of Oroville, Wash Date Sep 6 1936 Serial No. See-158-78

Family name RICKETTS Given name Wade W. Accompanied by

Deported Refused Perm. to Reapply

C.I.V. No.	Place and date of issue	Section and subdivision Act of 1924	Quota country charged	R.P. No.
	Hydro, Ok.	Age 34 Yrs. Sex M	S. Occupation Farmer	P.V. No.
Language or exemption	Race 2. 1937 June	Nationality Cand.	Last permanent residence (town, country, etc.) Kamloops, B. C.	Read Write Yes

Name and address of next relative or friend in country whence alien came
 Sister, Grace Ricketts

Ever in U.S. From Yes birth 1910 To 1925-1927 Where Twisp, Wash Passage paid by Self

Destination, and name and complete address of relative or friend to join them
 Friend Richard Horne Twisp, Wash

Money shown 50.00 Ever arrested and deported, or excluded from admission No Purpose in coming and time remaining visit - 2 weeks

Head tax status 5 ft. 8 1/2 in. Height Complexion Med Hair Bro Eyes Gray Distinguishing marks Extended to June 1, 1937

Seaport and date of landing, and name of steamship Con. Im. identification card No.

Records by LJB	Previously examined at	Date	Previous disposition	Present disposition, P. I.	Arrived by Stage
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U.S. DEPARTMENT OF LABOR, Immigration and Naturalization Service, FORM 548.
 See File 1321/125 & 158-78

(Testimony of William Wade Ricketts.)

Mr. Erickson: I will offer 4 too, which is a supplement to 3.

Mr. Young: Does this bear his signature somewhere?

Mr. Erickson: Yes, the signature is on the reverse. Is there any objection to 4, Mr. Young?

Mr. Young: No.

The Court: 4 will be admitted.

(Whereupon, Defendant's Exhibit No. 4 for identification was admitted in evidence.)

DEFENDANT'S EXHIBIT No. 4

Form 694

U. S. Department of Labor

Immigration and Naturalization Service

Record of Alien Admitted as Visitor

Port, Oroville, Wash.

No. 113074

Date, Sept. 6, 1936.

Name, Wade W. Ricketts.

Date and place of birth, Hydro, Okla.

Nationaity, Cand. Race

Sex, M. Ht. 5-8¹/₄. Comp., Med. Hair Bro.

Eyes, Grey.

My children, under 16 years, accompanying me, are

Home address, Kamloops, B. C.

Nearest relative there, Sister, Grace.

Destined to, Richard Horne.

Address, Twisp, Wash.

Time for which admitted, 2 weeks.

Signature, Wm. W. Ricketts.

(Testimony of William Wade Ricketts.)

Admitted by L. J. Brunner, U. S. Immigrant Inspector.

Please have your departure from the United States verified by an officer of the United States Immigration and Naturalization Service, who will relieve you of further responsibility for disposing of this record. If that is impossible, please have departure verified by an officer of the United States Customs Service or the Canadian immigration or customs services, or by the conductor or purser or other person in charge if you travel by public conveyance, and then mail this record to the United States immigration office at the port where you entered the United States. This will save much correspondence.

(Stamp—Received Aug. 1, 1937, Imm. & Nat. Service, Oroville, Wash.)

I departed from the United States at Oroville June 2nd, 1937, by auto. Date June 2nd, 1937.

Departure verified by L. J. Brunner.

[Stamped]: Extended 6 months to June 1, 1937. L. J. B.

[Form 694a, Memorandum Copy, is duplicate of Form 694, Record of Alien Admitted as Visitor, except 694a contains notation: "See file 1321/125. Out June 2, 1937. Lost Original.]

Cross-Examination

(Continued)

Q. So, on both Defendant's Exhibits 3 and 4, Mr. Ricketts, the manifest and the application, you

(Testimony of William Wade Ricketts.)

listed, you appear [38] on there as a Canadian citizen? A. Yes.

Q. And that was on when you signed it?

A. Yes.

(Whereupon, "Application to Extend Time of Temporary Stay" was marked Defendant's Exhibit No. 5 for identification.)

Cross-Examination

(Continued)

Q. I hand you defendant's identification 5, Mr. Ricketts, and ask you to state whether or not this form "Application to Extend Time of Temporary Stay" dated December 7, 1936, is in your handwriting? A. It is.

Q. And that's your signature?

A. That is.

Q. That appears on there, "William Wade Ricketts"?

Mr. Young: Is it in his handwriting?

Mr. Erickson: He says so.

Cross-Examination

(Continued)

Q. In regard to this question appearing on this form, in your own handwriting, "At present I owe allegiance to:" and "Canada" written in there in pencil, that's your handwriting? A. It is.

Mr. Erickson: I offer the form in evidence. [39]

The Court: It will be admitted.

(Whereupon, Defendant's Exhibit No. 5 for identification was admitted in evidence.)

Form 639
U. S. DEPARTMENT OF LABOR
Immigration and Naturalization Service

APPLICATION TO EXTEND TIME OF TEMPORARY STAY

Note: This application will not be considered unless completely filled out and sworn to.

File No. _____

My name is William Wade Ricketts My age is 34 years.
My occupation is Farmer I am ~~married~~-single-~~divorced~~-widow-~~widower~~.
(Strike out inappropriate designations)

The name and present address of my ^{husband }wife is _____
(Name) (Address)

The names, ages, and present addresses of my children are:

(Name) (Age) (Address)

My place of birth is Hydro Okla. U.S.A
(City) (Province) (Country)

At present I owe allegiance to Canada
(Country)

My foreign residence is Kamloops, B. C. Canada
(Street) (City or town) (Province) (Country)

My residence in the United States is Twisp, Wash
(Street and number) (Town or City) (State)

I am in possession of passport No. - issued by _____
(Passport must be valid for at least 60 days beyond requested extension) (Country)

on (date) _____ at (place) _____
(Month) (Day) (Year) (Country) (City or town)

which will expire on _____ . I came as a nonimmigrant,
(Month) (Day) (Year)

class _____ of Section 3, Immigration Act of 1924.

I arrived in the United States on the 6th day of Sept, 1936, at Oroville by
(Port of Entry)
B. C. Coach
(Name of vessel or railroad)

I have a return ticket No. - , issued by - , at -

I was admitted for a temporary period of Two weeks months.

I have secured _____ extension, the last extension to expire on _____
(Number) (Month)(Day)(Year)

The names and addresses of (relatives) I am visiting are:
(friends)

Mr Richard Horn Twisp, Wash
(Name) (Relative or Friend) (Address)

Mrs Agnes Miller Twisp, Wash
(Name) (Relative or Friend) (Address)

The circumstances requiring my presence in the United States are as follows:

I came here on the advice of my doctor who recommended a lower altitude for my health.

Financial condition of alien abroad Have income of about \$1000 per year from property in B.C. & Sask.

I ^(am-)_(am-not) employed in the United States. (If employed, state nature of occupation and by whom employed. _____
(Name) (Address)

My employment began _____
(Month) (Day) (Year)

My monthly salary or wages are _____

I ^(am)_(am-not) engaged in business in the United States. (If engaged in business, state nature, character, and location of the business.) _____

My monthly income derived from such business is _____

(If not employed or engaged in business in the United States, describe fully the source and amount of your income.)

Have income of about \$1000 per year derived from rental of farm at Kamloops and land in Sask.

I desire to secure an extension of 6 Months to my present period of admission (Time Desired)

and submit herewith in detail the reasons why I cannot depart at the time as originally fixed or as previously extended _____

WM. WADE RICKETS
(Signature of Alien)

(THE ABOVE STATEMENTS MAY BE SWORN TO BEFORE ANY IMMIGRATION AND NATURALIZATION OFFICER WITHOUT COST)

STATE OF WASHINGTON :
: ssi
COUNTY OF OKANOGAN :

Subscribed and sworn to before me this the 7 day of December, 1936.

(SML) L. J. BRUNNER
Immigrant Inspector, (Official title)

Note. - This form, properly executed by the alien must be forwarded to the immigration and naturalization officer in charge at the port of arrival in the United States, not less than 15 nor more than 30 days prior to date fixed for departure.

IMPORTANT - One application may be filed as to several members of a family group if all of them arrived at the same port on the same day and by the same means of conveyance, but as to any member of a family group who arrived at a different port, or on a different day, or a different manner, a separate application must be filed.

(Testimony of William Wade Ricketts.)

Mr. Young: Upon reflection, your Honor, I am wondering if the line "I owe allegiance," and that apparently is the purpose or gist of the exhibit, isn't anything but a conclusion?

The Court: Well, I think it may be taken as an admission. It can be explained, of course.

Mr. Young: For the purpose of the record only, I realize that it is not timely, I object to that particular exhibit on all the grounds.

The Court: It will be admitted, over objection.

(Whereupon, Manifest dated June 14, 1937, was marked Defendant's Exhibit No. 6 for identification.)

Cross-Examination
(Continued)

Q. I hand you defendant's identification 6, which is dated June 14, 1937, and is a manifest. I will ask you if that is your signature that appears thereon?

A. That appears to be my signature.

Mr. Erickson: I will offer defendant's identification 6.

The Court: It will be admitted. [40]

(Whereupon, Defendant's Exhibit No. 6 for identification was admitted in evidence.)

(DEFENDANT'S EXHIBIT NO. "6") (Watch For)

MANIFEST Part of LAURIER, WASH Date June 14 1938 Serial No. 772/38 Spokane
 Family name RICKETTS Given name WILLIAM Accompanied by Agnes Miller U.S.Cit.

C.I.V. No. Place and date of issue Section and subdivision Act of 1924 Quota country charged R.P. No. P.V. No.

Place of birth (town, country, etc.) Age Yrs. Sex S. Occupation Read Write
 Hydro, Okla. U.S.A. 35 M Farmer Yes Yes

Language or exemption Race Nationality Last permanent residence (town, country, etc.)
 Eng. Scotch Can. (to b. Case) Kamloops, B. C.

Name and address of nearest relative or friend in country whence alien came
 Sister: Grace Ricketts N N

Ever in U.S. From To Where Passage paid by
 2-3-02 1910 Oklahoma Self

Destination, and name and complete address of relative or friend to join there

Brother: Wayne Ricketts, Newport, Wash. & Richard Horne, Twisp, Wash

Money shown Ever arrested and deported, or excluded from admission Purpose in coming and time remaining
 \$115.00 No T/s - 2 months

Head tax status Height Complexion Hair Eyes Distinguishing marks
 - 5 Ft. 8 1/2 In. Fair B Blue Horizontal forehead wrinkle

Seaport and date of landing, and name of steamship Con. Im. Identification card No. 88

Records by Previously examined at Date Previous disposition Present disposition, P. I. Arrived by
 GUP Adm. T/s Auto

U.S. DEPARTMENT OF LABOR, Immigration and Naturalization Service. Form 542. Wash. U 2727 14-2140

(Testimony of William Wade Ricketts.)

Cross-Examination

(Continued)

Q. You state upon there likewise that you are Canadian, do you not, Mr. Ricketts?

A. What is the reading on there?

Q. Nationality, Can, C-a-n.

A. That is not my writing, however.

Q. Was it on there when you signed it?

A. Yes, it was on there, apparently. Those forms, you find them at the line.

Mr. Young: I didn't hear you.

A. Those forms, they appear at any port of entry, and as a rule, they are made out by the official, and signed by the applicant without due consideration.

Mr. Erickson: I move that that last answer be stricken.

Mr. Young: I consent to that.

The Court: It will be stricken.

Mr. Young: I wish to caution you, Mr. Ricketts, do not make any statements unless a question is propounded to you by either counsel.

(Whereupon, Immigration and Naturalization Form 639, "Application to Extend Time for Temporary Stay" dated September 21, 1937, was marked [41] Defendant's Exhibit No. 7 for identification.)

Cross-Examination

(Continued)

Q. I hand you Immigration Form 639, which is an "Application to Extend Time for Temporary

(Testimony of William Wade Ricketts.)

Stay," and it is dated September 21, 1937, and ask you if that is your signature that appears on there?

A. That looks like my signature.

Q. Is that your signature? A. Yes.

Mr. Young: I am going to make the same objection to the statement "At present I owe allegiance to Canada" as I made before. My theory is that it is a mere conclusion.

The Court: Are you offering that?

Mr. Erickson: Yes.

The Court: It may be admitted.

(Whereupon, Defendant's Exhibit No. 7 for identification was admitted in evidence.)

Form 639
U. S. DEPARTMENT OF LABOR
Immigration and Naturalization Service

3
(Stamp - "RECEIVED
Sep 22, 1937
Imm & Nat
Service
Laurier
Wash.)

APPLICATION TO EXTEND TIME OF TEMPORARY STAY

NOTE: This application will not be considered unless completely filled out and sworn to.

File No. _____

My name is William Rickette My age is 35 years.
(First) (Middle) (Last)

My occupation is Cafe Manager I am ~~married~~-single-~~divorced~~-~~widow~~
widower.
(Strike out inappropriate designation)

The name and present address of my ^{(husband} wife) is _____
(Name) (Address)

The names, ages, and present addresses of my children are:

(Name) (Age) (Address)

My place of birth is Hydro Oklahoma U.S.A
(City or town) (State) (Country)

At present I owe allegiance to Canada
(Country)

My foreign residence is Kamloops B. C. Can.
(Street) (City or town) (Province) (Country)

My residence in the United States is _____
(Street and number) (Town or city) (State)

I am in possession of passport No. _____ issued by _____
(Passport must be valid for at least 60 days beyond requested extension)

on (date) _____ at (place) _____
(Month) (Day) (Year) (Country) (City or town)

which will expire on _____ I came as a non-

immigrant, class _____ of Section 3, Immigration Act of 1924.

I arrived in the United States on the 14th day of June, 1937, at Laurier by
(Port of entry)

Motor Car
(Name of vessel or railroad)

I have a return ticket No. _____ issued by _____ at _____

I was admitted for a temporary period of 3 months.

I have secured _____ extensions, the last extension to expire on _____
(Number) (Month)

(Day) (Year)

The names and addresses of ^(relatives) _(friends) I am visiting are:

Wayne Ricketts Newport, Wn
(Name) (Relative) (Address)

U. S. Immigration & Natu realization Service
RECEIVED Sep 24 1937 District Office
Spokane, Wash:ngton

R. Horn
(Name)

(Friend)

Twisp, Wn
(Address)

The circumstances requiring my presence in the United States are as follows:

I came here principally to visit friends and relatives but decided to go into business after staying here a couple of months.

Financial condition of alien abroad Several hundred dollars cash.

I (am)
(am not) employed in the United States. (If employed, state nature of occupation and by whom employed.)

(Name) (Address)

My employment began (Month) (Day) (Year)

My monthly salary or wages are

I (am)
(am-not) engaged in business in the United States. (If engaged in

business, state nature, character and location of the business.) I own along with another partner and manage a small cafe in the town of Twisp, Was.

My monthly income derived from such business is \$150.00 to \$200.00 per month.
~~one-hundred-to-one-hundred-fifty~~
per-month

(If not employed or engaged in business in the United States, describe fully the source and amount of your income.)

I desire to secure an extension of 3 months to my present temporary period of admission and submit herewith in detail the reasons why I cannot depart at the time as originally fixed or as previously extended as my presence is required here to look after this business the very busy hunting season coming on I intend to return to Canada and make formal application for permanent entry to the U.S.A. at the end of this requested 3 months.

WILLIAM PICKETTS
(Signature of alien)

(THE ABOVE STATEMENTS MAY BE SWORN TO BEFORE ANY IMMIGRATION AND NATURALIZATION OFFICER WITHOUT COST)

State of Washington :
County of Okanogan :

Subscribed and sworn to before me this the 21st day of September, 1937

(SEAL)

J. S. ALLEN,
Notary Public
Official Title

Note - This form, properly executed by the alien, must be forwarded to the immigration and naturalization officer in charge at the port of arrival in the United States, not less than 15 nor more than 30 days prior to date fixed for departure.

Important. - One application may be filed as to several members of a family group if all of them arrived at the same port on the same day and by the same means of conveyance, but as to any member of a family group who arrived at a different port, or on a different day, or a different manner, a separate application must be filed.

William Wade Ricketts

(Testimony of William Wade Ricketts.)

| Mr. Erickson: I think that's all.

Redirect Examination

By Mr. Young:

Q. Now, then, Mr. Ricketts, in connection with this voting that you told the Immigration people that you had done in Canada, as I understand, you told them you voted once in Canada?

A. That's right. [42]

Q. Will you tell Judge Driver the circumstances surrounding circumstances, of that vote in Canada that you refer to?

A. Well, I was working as a farm hand on a farm at Ensign, Alberta, and I was out in a field driving horses, out in the field plowing. My nearest neighbor came to the field I was plowing with two strangers. Who they were I do not know, and they asked me if I had voted yet. It appears that it was voting day for some office, I do not remember what it was, and they asked me if I had voted. I made the statement "I'm not allowed to vote, I'm not on the voting list." They said "Well, it doesn't make any difference, we'll vote you anyway; we need two votes. Jump in the car, we'll take you up to the schoolhouse, about a mile and a half away, and we

(Testimony of William Wade Ricketts.)

Q. 1927; how old were you at that time?

A. I would be about twenty five years old.

Q. About twenty five. Now, with respect to the holding of public office in Canada, when did you hold public office in Canada? What year was it?

A. That was 1919 and 1920.

Q. How old were you at that time?

A. I would be seventeen and eighteen years old.

Q. And what was the general office that you testified to, or told the Immigration officers that you held?

A. Well, I was secretary of the school board, and——

Q. By the way, now, where was this?

A. That was at Meeting Lake, Saskatchewan.

Q. How large a community was that?

A. A very small community; isolated community.

Q. Do you know what the circumstances were, that led to the selection of a seventeen year old boy to do that work?

Mr. Erickson: To which we object as immaterial, what the political background was.

The Court: I'll overrule the objection.

Redirect Examination

(Continued)

Q. What occasioned you having that job at seventeen and eighteen?

A. Well, the fact that it was a new district, a lot of foreigners who couldn't even write English, and they had to have some person with the English

(Testimony of William Wade Ricketts.)

language, to correspond for them, conduct their public affairs. A lot of them couldn't read and write English at all.

Q. Was that a full time job, or part time job?

A. No, no, it was just—— [44]

Q. Just what?

A. Just about one day a month, I worked at it.

Q. One day a month. I see. Aside from the time that you mentioned, that you voted in 1927, did you ever vote in any other election in Canada?

A. I did not.

Q. Did you have any vote, or did you vote in the election that led to your becoming secretary, to the office that you described?

A. I did not.

The Court: The legal voting age in Canada is twenty one, isn't it?

Mr. Young: I think it is.

The Court: Is the legal voting age in Canada twenty one? Is that conceded?

Mr. Erickson: Yes.

Redirect Examination

(Continued)

Q. Now, with respect to your draft registration, at the time you registered, was the Immigration people, were the Immigration people, contesting your——

Mr. Erickson: To which we object as leading and suggestive.

Q. All right. What was the circumstances under

(Testimony of William Wade Ricketts.)

which you executed this selective service questionnaire?

A. Is that the original questionnaire, first registration? [45]

Q. No, it is not. You mean the occupational registration? A. Yes.

Q. No, this is the Selective Service questionnaire.

A. Well, what circumstances?

Q. What are the circumstances of your execution of that instrument? I might state that if the Court cared to take a recess at this time I could go over these exhibits.

The Court: The Court will be at recess for ten minutes.

(Short recess.)

(All present as before, and the trial was resumed.)

Redirect Examination

(Continued)

Q. Now, I hand you Defendant's Exhibit 1, and I will ask you to relate to Judge Driver the circumstances under which that exhibit was executed by you.

A. That was prepared by me for a special board, I believe in the Hutton Building in Spokane, Selective Service Board, and this is a list of the questions they asked me.

Q. Now, at that time, had you had difficulty with

(Testimony of William Wade Ricketts.)

the United States Immigration Service, and did you make that disclosure to the Selective Service Board? A. I did.

Q. At the time that you executed this Exhibit 1 did you have pending an application for re-entry into the United [46] States, before the Immigration Board? A. I did.

Q. Who was it that told you that you were a citizen of Canada?

Mr. Erickson: To which we object.

The Court: It is leading, in a way. The objection is sustained.

Redirect Examination

(Continued)

Q. State whether or not the Immigration authorities of the State of Washington, I mean of the United States, made any statement to you concerning your citizenship? A. They have.

Q. If so, what was it? What did they tell you?

A. They have told me repeatedly that I was a Canadian.

Q. Following your incarceration and later deportation to Canada, state what, if anything, the Immigration authorities told you with respect to the best procedure for you to follow in getting back into the United States?

A. They advised me——

Mr. Erickson: Just a minute. I object unless a time and place and particular individual is identified, as near as he can, so we know what he's talking about.

(Testimony of William Wade Ricketts.)

The Court: Objection sustained. I think he should specify, if possible, the time and place and person. [47]

Redirect Examination

(Continued)

Q. Who was the first person, and give me the time, that suggested to you that you go back to Canada, that is, after your deportation, go back to Canada and attempt to get back into the United States on the basis of being a Canadian citizen?

A. Mr. James Sullivan.

Q. When did that occur?

A. That was—I do not remember the exact date, April of 1933, I believe; the first week in April of 1933.

Q. And who is Mr. James Sullivan?

A. The gentleman sitting there; he's an inspector of the Immigration Service.

Q. Now, did you attempt to follow his advice?

A. I did.

Q. Did you make applications for re-entry into the United States? A. I did.

Q. On the theory that you were a Canadian citizen? A. I did.

Q. When did you make your first application?

A. I made my application before the Immigration Service Board of that year, three years ago, the first application.

Q. Three years ago? [48]

A. Yes; I do not remember the exact date I made that application; it was shortly after.

(Testimony of William Wade Ricketts.)

Q. Now, this Selective Service Exhibit there, signed and dated the 7th day of March, I believe it is, 1942, state whether or not prior to the time of the execution of that exhibit you had been—you had received information from the United States Immigration Service with respect to your status as a citizen? A. I had.

Q. From whom did you receive that information?

The Court: What does this have reference to, Mr. Young?

Q. Antedating Exhibit 1.

A. Inspector Kelly.

Q. Give the time and place, when you received that information.

A. My first trip down here in 1925. I was crossing the border at Eastport.

Q. Now, did you think it best at that time to attempt to accept the conclusion that you were a Canadian citizen, and work your way in through the Immigration laws? A. I did.

Mr. Erickson: To which we object as leading and suggestive.

The Court: Well, I'll let it stand. It was leading. [49]

Redirect Examination

(Continued)

Q. I don't mean to lead, but it is a rather technical subject. Calling your attention to Exhibit No. 3, which is an Alien registration exhibit, apparently,

(Testimony of William Wade Ricketts.)

state the circumstances under which that exhibit was executed by you.

A. This form was handed to me by the Immigration Service in the Welch Building with instructions as to filling it out and applying for entry, legal re-entry, into the United States.

Q. What, if anything, was said to you as to what would happen in the event you refused to execute this instrument?

A. Well, I was given the impression that I would be——

Mr. Erickson: Now, just a minute.

Q. Not just the impression; what was told?

A. I was told that I would be prosecuted for illegal entry if I did not.

Q. State whether or not you executed that instrument under duress?

The Court: I think that's calling for a conclusion.

Q. Did you believe that you would be prosecuted for illegal entry, and put in jail, in the event you did not sign [50] this instrument?

A. I did.

Q. Now, calling your attention to—I am showing one, Exhibit Number 2; here, I have Number 1.

The Clerk: Number 2 is the instrument executed before the Immigration Service in August, 1943.

Q. May I straighten up the record? The instrument that I last referred to was Defendant's Exhibit Number 2, mistakenly referred to as Exhibit Number 3, which was the General Information

(Testimony of William Wade Ricketts.)

Form supplied by the United States Department of Justice. Handing you Exhibit Number 3, which is a manifesto, apparently, or a manifest from the Immigration authorities, will you state the circumstances under which that was executed by you?

A. That form was made out before Inspector Brunner of the Immigration Service, and is a questionnaire of what my intentions were when I crossed the border September 6, 1936.

Q. At that time had you accepted the conclusion, or were you impressed, at least, by the conclusion that was given you by the Immigration authorities that you were in fact a Canadian citizen?

A. I did.

Q. And did you have pending at that time an application for re-entry into the United States?

A. No.

Q. You did not. Were you attempting to come into the United States for some purpose at that time?

A. Yes.

Q. And the form was handed you and you filled it out?

A. I did not fill that in. I signed it.

Q. That was made at the entry? A. Yes.

Q. Well, the language that appears there in connection with your citizenship, that was filled in by the Immigration man there, is that correct?

A. Yes, that's right.

Q. Calling your attention to Defendant's Exhibit 4, I will ask you to narrate the circumstances under which you executed that document.

(Testimony of William Wade Ricketts.)

A. That was also made under the same circumstances. I believe that this is the original form.

Q. This is 1936? A. Yes.

Q. Was it your purpose to get across the border and get into the United States. A. Yes.

Q. Did they require you, or were you required by anyone to fill out this form in order to get into the United States? [52] A. Yes.

Q. Did you fill it out for the purpose of getting into the United States? A. Yes.

Q. Did you state to anyone at the border anything with respect to your citizenship other than what has been written here? A. Yes.

Q. To whom did you make a statement at the border with respect to your citizenship, your claimed citizenship?

A. At this present date I discussed it with Inspector Brunner of the Immigration Service.

Q. Inspector Brunner of the Immigration Service? A. Yes.

Q. What did you tell Brunner?

A. I told him I was an American.

Q. What did he tell you?

A. He told me I was a Canadian.

Q. And did he require you to fill out that form in order to come into the United States?

A. Yes.

Q. Was your desire to come into the United States important to you? A. Yes.

Q. Did you sign the form? [53] A. Yes.

(Testimony of William Wade Ricketts.)

Q. You did accept the statement that you were a Canadian in order to get in, is that correct?

A. For the purpose of getting into the United States.

Q. Now, after you were in the United States were you asked to sign an application to stay longer in the United States? A. I was.

Q. Was that application contained in Defendant's Exhibit 5, which you now have in your hand?

A. That's right.

Q. Was your citizenship challenged, or had it been challenged at that time by the Immigration authorities, at the time you executed that instrument? A. Yes.

Q. State what, if anything, was said to you about the necessity of executing Exhibit 5, and who told you that it was necessary to execute it?

A. Captain Brunner, Inspector Brunner of the Immigration Service told me that the Immigration Service ruling was that I was a Canadian, and in order to remain in the United States longer than the previous time I had been here, I must make this application.

Q. What, if anything, did the inspector that you mentioned tell you would happen to you in the event you failed to [54] make the application?

A. He stated that I would be apprehended and deported.

Q. Did you actually believe that unless you made the application in the form that is suggested there, that you would have been put in jail and later deported? A. I did.

(Testimony of William Wade Ricketts.)

Q. And in that state of mind you executed that document? A. That is so.

Q. Calling your attention to Defendant's Exhibit 6, I will ask you to relate the circumstances under which you executed that instrument.

A. This is a statement executed when I returned from a visit to Canada after the expiration of this temporary stay. I crossed the line at Laurier, Washington, and I was required to fill out that form.

Q. What, if anything, did you state to the man at the border as to your claim of citizenship?

A. I did.

Q. Well, what did you tell him?

A. I told him that I was an American returning home, and he told me that I was not, that I was a Canadian applying for a visit to the United States.

The Court: That's 6?

Q. That's 6, yes. State whether or not you were informed as to whether you could or would be permitted to cross [55] the line unless you signed that?

A. I was told that I would not be permitted to cross the line unless I signed that.

Q. Did you believe that?

A. I did.

Q. Was your reason for coming into this country an important one to you?

A. Yes, it was.

Q. And did you execute it? A. I did.

Q. Calling your attention to Defendant's Exhibit

(Testimony of William Wade Ricketts.)

7, will you tell us the circumstances under which that was executed?

A. Yes, I obtained this application form through the mails.

Q. From whom?

A. From the Supervisor, I believe it was, of Immigration. Mr. Wyckoff used to be in Spokane, here, and I wrote to him requesting a further stay, and he sent me this application form to fill in.

Q. At that time were you attempting to secure a right of entry through prescribed rules of the Immigration Service of the United States?

A. Yes, at that time I was.

Q. And what, if anything, was told to you in correspondence or otherwise with respect to the necessity for making [56] that application.

A. I wrote to Mr. Wyckoff—

Q. —contained in Exhibit 7?

A. —from my place of business at Twisp requesting information as to what I should do to obtain a permanent stay in the United States, and in the event that it would take considerable time, he sent me this application form to fill in, to remain here for another three months, until I got the necessary legal papers together to properly apply for admission as a permanent resident of the United States.

Q. And that was the circumstances under which 7 was executed? A. That's right.

Q. Now, have you discussed your citizenship

(Testimony of William Wade Ricketts.)

status with the Immigration and Naturalization people of Canada? A. Yes.

Q. And England? What, if anything, are you informed with respect to your status as a citizen as far as they are concerned?

Mr. Erickson: To which we object.

The Court: I'll sustain the objection. I don't think that is material.

Redirect Examination

(Continued)

Q. Are you able to obtain services—have you made an attempt to obtain service from the British Government or [57] Canadian Government?

Mr. Erickson: To which we object as incompetent.

The Court: I think you may show what the situation is as it affects him. I sustained the objection because I don't want the conclusion as to what the British officials ruled, but anything that affects him. Was this last question answered?

Mr. Young: He said not, I apprehend. My information is this form is——

A. I misunderstood the question.

Q. Don't answer this question. It may be objectionable. Are you recognized as a Canadian citizen or British subject in Canada?

Mr. Erickson: To which we object as improper.

The Court: Well, I'll overrule the objection, not that it will have any bearing as to whether or not he is a citizen of Canada, but merely as it may

(Testimony of William Wade Ricketts.)

affect him and explain his actions and declarations.

(Whereupon the reporter read the last previous question.)

A. No.

Q. Have you endeavored, in carrying out your plan of coming back into the United States, accepting the conclusion of the Immigration people here that you are a Canadian citizen? [58]

A. Yes.

Q. Have you attempted to secure documents necessary from the Canadian Government or the British Government?

A. Yes.

Q. What has been your success?

A. I have had no success.

Q. And this again is hearsay—don't answer this. What have you been advised by the British or Canadian Immigration authorities as to your status of citizenship?

Mr. Erickson: To which we object.

The Court: I'll sustain the objection.

Q. During the time that the local Immigration authorities have been discussing this question of citizenship with you, you have had a number of hearings, have you?

A. Yes, I have.

Q. Did anyone suggest to you that it would be the better plan for you to accept the definition of your citizenship given you by and placed upon it by the United States Immigration authorities, and if so, who was it?

(Testimony of William Wade Ricketts.)

A. Inspector Sullivan of the United States Immigration Service.

Q. When did that occur?

A. That occurred a number of times in the course of the last three years.

Q. And these admissions that you have made, state whether or [59] not they were made on advice of Inspector Sullivan or anyone else in connection with the Immigration Service?

A. They were made under the advice of various Immigration Service men.

Q. State whether or not you took an appeal from—strike that; that's all.

Recross-Examination

By Mr. Erickson:

Q. Well, Mr. Ricketts, it is only in the last three years that the Immigration Service has been after you to admit that you were a Canadian citizen, is that correct? A. No.

Q. How long?

A. Pretty near ten years, since 1936.

(Whereupon, letter dated September 27, 1937, was marked Defendant's Exhibit No. 8 for identification.)

Recross-Examination

(Continued)

Q. I hand you Defendant's identification 8, and ask you to state whether or not that is your handwriting, your signature on the back side.

A. That is my signature on the front, there.

(Testimony of William Wade Ricketts.)

Q. On the front, yes.

Mr. Young: I think that the exhibit is a border-line on the basis of an admission. I am going to object to it as incompetent, irrelevant, immaterial. There is some statement in that that would affect his conclusion as [60] to how his father's naturalization affected him.

The Court: I will admit the identification.

(Whereupon, Defendant's Exhibit No. 8 for identification was admitted in evidence.)

DEFENDANT'S EXHIBIT "8" 9

(Stamp "Received
Sep 28 1937
Imm & Nat
Service
Spokane, Wash.)
Twisp, Wn
Sept 27th 1937

9014
—
5408

The U. S. Dept. of Labor

Immigration and Naturalization Service
Spokane, Wn.

Dear Sirs: Your letter re my application for extension of my temporary stay in this country to hand. In reply to your questions regarding my Canadian Naturalization, may say

I was born Feb. 3rd, 1902, at Hydro, State of Oklahoma, moved with my parents to Mullingar, Saskatchewan in July 1910 where my father took

(Testimony of William Wade Ricketts.)

up a homestead and where he became a citizen of Canada by Naturalization when he secured patents of title to his homestead about the year 1914 or 1915. I do not know the exact date, but could secure it if necessary. His naturalization while I was under age made me a citizen of Canada and I was never naturalized in my own name.

My father still resides at his homestead at the P. O. Mullingar, Sask. I think these records can be secured at the Land Titles Office, Prince Albert, Sask.

Thanking you I am Yours respectfully

WILLIAM RICKETTS

(over)

My Father's name is

Seigle E. Ricketts

Address

Mullingar, Sask.

Recross-Examination

(Continued)

Q. Now, Mr. Ricketts, did you ever apply for a Canadian passport? A. Yes.

Q. And I will ask you if on June 24, 1944, you did not write a letter to Mr. Guy Walter of the United States Immigration Service in Spokane, Washington, stating that—

Mr. Young: The letter would be the best evidence.

The Court: Well, he can identify it by asking

(Testimony of William Wade Ricketts.)

if he wrote such a letter. If you're going to use it extensively you had better identify it.

(Whereupon, letter dated June 24, 1944, was marked Defendant's Exhibit No. 9 for identification.)

Recross-Examination

(Continued)

Q. I will ask you if you wrote this letter to Mr. Walter of the Immigration Service in Spokane, if it is in your handwriting?

A. Yes, that is my handwriting.

Q. Your signature appears thereon?

A. Yes, that's my signature.

The Court: What is the date of that? [61]

Mr. Erickson: The date is June 24, 1944.

Mr. Young: I am going to make the objection, for the record, incompetent, irrelevant, and immaterial.

Mr. Erickson: The purpose for which I am offering it is to show that about the middle of the first page, that he applied for a Canadian passport and visa and obtained it.

Mr. Young: If that is the purpose I will withdraw my objection. I can see where that would be germane to the inquiry, all right. I understand that it is limited to that purpose, however.

Mr. Erickson: It is also offered for the purpose of contradicting certain oral testimony.

The Court: It will be admitted.

(Whereupon, Defendant's Exhibit No. 9 for identification was admitted in evidence.)

(Testimony of William Wade Ricketts.)

DEFENDANT'S EXHIBIT "9"

9012/7999. U. S. Immigration & Naturalization Service. Received Jun. 26, 1944; District Office Spokane, Washington.

Empire Hotel, Calgary, Alta, Room 6, June 24, '44

Mr. Guy Walters

U. S. Immigration Office

Welch Bldg., Spokane

Dear Sir: It was with great disappointment that I received the copy of letters sent to Mr. Allan of the American Consulate, Calgary, refusing me permission to reapply for legal entry to the United States. I had departed quite willingly from the U. S. as your office had requested. Came to Calgary and at great expense and inconvenience had secured all the necessary papers, documents, passport, etc., to properly obtain an immigration visa and Mr. Allan was prepared to issue same to me, when your letter came.

Now, Mr. Walters, altho I know the *the* U. S. Immigration Service has been very considerate of me in view of my past offenses, I am going to ask the Central Board, through your office to go a step farther on my behalf and reconsider their decision of refusing me legal reentry to the land and country I call home.

I wish to point out that I have a very substantial little business there in Spokane, which at present is closed, awaiting my return, also that from the records of your own investigation of me, I have

(Testimony of William Wade Ricketts.)

been proven to be a decent lawabiding self supporting and worthy citizen.

Also may I say if I am permitted to return to Spokane, I will continue to be as worthy a citizen as it is in my power to be. Some friends of mine there in Spokane will be calling on your office at the Welch Bldg., in the course of a few days regarding an appeal to the Central Board on my behalf, for reconsideration of their decision to exclude me from my home.

I earnestly beg of your office to accept the evidence they present and to forward same to the proper persons and help me to obtain clemency on my case.

Trusting to hear from you favorably I remain,

Yours respectfully,

WADE RICKETTS.

Recross-Examination

(Continued)

Q. You did know that at the time you applied for and obtained this Canadian passport and visa, or this visa and passport in Canada, that you would have to be a Canadian citizen or British subject to get it?

A. No, I did not.

Q. You think the authorities in Canada could issue a passport to a foreigner?

Mr. Young: Objected to as argumentative. [62]

The Court: He may answer if he knows.

(Testimony of William Wade Ricketts.)

A. Well, I don't know. The point is a technical one; I'm not versed in it.

Q. One thing I forgot to ask you was in the Immigration hearing before Inspector Sullivan were you asked the following question: "Question: Have you voted more than once in the general election in Canada?" and did you give the following statement: "Answer: No, I was moving around so much I did not have time to get my name in the registration. I voted in the provincial election in 1927, I think, but I never voted in the Dominion election." Did you make that statement?

A. Not in those words. I made the statement I voted once.

Q. Then were you asked "Wasn't there a Dominion election in 1927 also?" Answer: "No, the Dominion election was 1930. I tried to vote at that time but they refused me because I was out of my home constituency. I think the Dominion elections were in 1925 and 1930." Did you answer that?

A. Yes.

Mr. Erickson: I think that's all.

Redirect Examination

By Mr. Young:

Q. Now, at the time you wrote this letter, Exhibit 9, what is the fact with regard to securing or the non-securing of a visa and passport?

A. It is not a visa. [63]

Q. What did you get?

A. I had what they call a passport.

A. A passport?

(Testimony of William Wade Ricketts.)

A. Yes. That was under the advice of the Immigration Service, I should go to Canada, obtain a Canadian passport or British passport, and apply for an American visa, which I did do, and I was refused a visa.

Q. Have you got what it is that you received from Canada with you?

A. No, I haven't it with me.

Q. Is it available?

A. Yes; not, it's not.

Q. It isn't available; where is it?

A. I think it's out in the camp, up in the woods.

Q. You at the present time are engaged in the logging business? A. Yes.

Q. Where is your logging camp?

A. At Long Lake.

Q. Now, you were advised by Mr. Walter, you say, to go back to Canada? A. Yes.

Q. And make application for some instrument that was necessary to your coming in for permanent stay in the United States? [64]

A. That's true.

Q. And you attempted to carry out his instructions? A. I did.

Q. Your letter, Defendant's Exhibit 9, was written to him explaining the difficulty that you had encountered, is that correct?

A. That's right.

Q. Did you ever at any time following the attainment of your age of majority intend to ex-

(Testimony of William Wade Ricketts.)

patriate yourself? Do you understand the meaning of that term? A. Yes.

Q. How's that?

A. I didn't think I had to be expatriated.

Q. Well, did you intend to give up your American citizenship? A. No.

Mr. Young: That's all.

(Whereupon, there being no further questions, the witness was excused.)

Mr. Young: I have some affidavits, but I have one witness who wants to get away. I understand he has an appointment.

The Court: How long will it take you to examine him?

Mr. Young: He's a very short witness.

The Court: Call him, then. [65]

ERNEST McCALL

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Young:

Q. State your name to Judge Driver, please.

A. It's Ernest McCall.

Q. Where do you live?

A. I live at 6024 North Colton at the present.

Q. How old are you? A. Fifty two.

Q. Do you know Mr. Ricketts, the plaintiff in this case? A. I've known him since 1939.

(Testimony of Ernest McCall.)

Q. Where did you first meet him?

A. He went up cutting logs for me for a little while.

Q. Where was that?

A. At the Spokane Bridge.

Q. Did you have occasion to discuss with him his citizenship or claimed citizenship?

A. Yes, we talked it over a good many times.

Q. And what, if anything, did he tell you about his claim of citizenship, or what citizenship he was, what country?

A. He always claimed——

Mr. Erickson: I object to that. I don't think the place has been fixed, or the time, or the circumstances. [66]

Q. Well, where did you have your conversations with him with respect to his citizenship, the first time you discussed it with him?

A. I think the first time, if I remember right, was in the timber when he worked for me.

Q. And where was that?

A. South of Spokane Bridge.

Q. And when was that?

A. I believe that was the summer of 1939.

Q. What, if anything, did he say to you about his citizenship——

Mr. Erickson: To which we object as being a self-serving declaration. At that time his trouble was pending.

The Court: I will admit it for the purpose of bearing on his intent. That's what it is offered for?

(Testimony of Ernest McCall.)

Q. Yes, and I have a case that seems to admit it. You may answer.

A. He always claimed he was an American citizen.

Q. Did he discuss with you any difficulties he was having in establishing his citizenship?

A. Yes; he told me his folks went to Canada—I don't remember just exactly—they had taken out papers in Canada but he never did.

Q. I see. Did you have any more than one conversation with [67] him with respect to his citizenship?

A. Yes, we've talked at different times. I've been in touch with him most of the time since then. He's been having a little trouble, and he's talked it over at different times.

Mr. Young: You may inquire.

Mr. Erickson: There aren't any questions.

(Whereupon, there being no further questions, the witness was excused.)

The Court: The Court will recess until two o'clock today. That will give the court a little time during the noon recess.

Mr. Young: Your Honor, I have a situation in Judge Webster's court; we tried a case, and the Judge is ready to render his opinion, and wants to render his opinion deciding it. I told him I would take the matter up with you. He told me it wouldn't take very long, but he wanted all the parties and attorneys in court at the time he renders his opinion. I was wondering if it would be thoroughly conveni-

ent with everyone if we could take up at three o'clock, for instance?

The Court: How long will it take to finish the case, do you think?

Mr. Young: Well, I think it will probably take a day and a half, that is, my case. We have some depositions [68] to read, and of course, I have no way of knowing the length of the government's case.

The Court: I had something set for tomorrow, arraignments, at 1:30. Do you have any objection to that?

Mr. Erickson: I have no objection. I am glad to accommodate counsel.

The Court: We will recess, then, until three o'clock this afternoon. Everyone in connection with this case may be excused. I understand there is an ex parte matter to be presented. Please withdraw as quietly as you can.

(Whereupon, the Court took a recess in this cause until 3 o'clock p.m.)

Spokane, Washington, September 30, 1946,
3 o'clock p.m.

(All parties present as before, and the trial was resumed.)

MARION RICKETTS

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Young:

Q. Your name is Marion Ricketts?

A. Marion Ricketts.

Q. And you are the uncle of Wade Ricketts, the plaintiff in this action? [69] A. Yes.

Q. You and Wade Rickett's father were full brothers, is that correct?

A. Full brothers.

Q. How old a man are you?

A. Sixty-six.

Q. Were you—do you know when Wade was born?

A. I was down there when he was born.

Q. Where was Wade born?

A. He was born in Hydro, Oklahoma.

Q. How old a man were you at the time he was born?

A. I was about twenty; around twenty two, I guess, something like that.

Q. What knowledge did you have of his birth and the place of his birth?

A. Well, I was there when the baby was born, and my brother always looked after them when they was born.

Q. And you of your own personal knowledge know he was born in Hydro?

(Testimony of Marion Ricketts.)

A. On the farm out from Hydro.

Q. Did you and your brother go to Canada?

A. Yes.

Q. You first, or your brother?

A. He went first.

Q. And then you followed him? [70]

A. Yes.

Q. You have a family, do you?

A. Yes.

Q. What does your family consist of, three boys?
A. Three boys.

Q. What did your brother's family consist of?

A. Boys.

Q. How many?

A. I think there's about eight of them.

Q. Now, did your brother take up a homestead in Canada?
A. Yes.

Q. And then later you took up a homestead?

A. No, I never did take one up.

Q. You learned that your brother had become a British subject by naturalization?

A. That's homesteading, yes.

Q. And proving up on it. A. Yes.

Q. Did you become a naturalized citizen, too, up in Canada?
A. Yes.

Q. How old was Wade, about, when your brother became a citizen of Canada, or a British subject?

A. Well, I couldn't say just exactly, but he must have been about fourteen or fifteen years old, somewhere along in there. [71]

(Testimony of Marion Ricketts.)

Q. Did you have occasion to visit your nephew while he was in Canada, after he become twenty-one? A. Yes, once.

Q. Where was that visit?

A. That was up at Hydro—or at North Battle Creek.

Q. In what province was that?

A. That was Saskatchewan.

Q. What was the circumstance of your visiting him? A. I went up to see my brother.

Q. And Wade had become twenty one, had he? He was a man?

A. He was right around twenty one, anyway; I don't know just exactly.

Q. Was he married at that time?

A. No.

Q. What, if anything, did he say to you with respect to his intention or lack of intention to become a British subject or Canadian citizen?

Mr. Erickson: I object until he fixes the time more specifically, as to what year it was, something more definite.

Q. Can you fix the time specifically, definitely as you can, as to the year it was that you were visiting Wade?

A. I was up there in '16, and I was there in '19, and it must have been 1920, around there, when I—

Q. It must have been in 1920? [72]

A. Right around there somewheres.

Q. Well, what if anything was said by Wade

(Testimony of Marion Ricketts.)

with respect to his intention or lack of intention of becoming a British subject?

Mr. Erickson: To which we object, if it was 1920, because he was still a minor in 1920.

The Court: I think it might have some probative value as indicating what his intention was afterwards. Of course he hadn't any right to make an election during his minority, but it would have some evidentiary value.

Mr. Young: I am somewhat surprised by the answer of this witness, because we took his deposition by agreement, and we took it for the purpose of preserving his testimony, having in mind the uncertainties of life, and if I recall correctly, counsel may have a different recollection, Mr. Ricketts was established in his own establishment, and he was visiting him there. It may be that I don't recall the testimony correctly. For the purpose of refreshing your recollection, did you or did you not at the time of taking your deposition tell us you were visiting Wade in his home up in Canada?

A. Up at his folks.

Q. Well, maybe I misunderstood you. It was his folks' home? A. Yes.

Q. Well, with respect to the time, was Wade more than twenty [73] one or under twenty one at the time you were talking with him?

A. Well, the last time I talked to Wade I was talking to him about my boys, and about him, coming to Canada, or to the States. He was of age then, because my boys said they wouldn't take

(Testimony of Marion Ricketts.)

papers out up there, which they didn't, and my nephews, they wasn't going to take papers out because they wanted to come back.

Q. You mean others, including Wade?

A. Yes, and my three boys. They wouldn't take theirs out, and they're here now.

Q. By the way, did Wade participate in that conversation with you about whether they were going to take their papers out or not?

A. Yes, Wade was talking about it, about my boys and about him taking his papers.

Q. And specifically, now, what did he tell you?

A. Well, he said he wouldn't take his papers out. He was an American and he was going to stay one.

Q. Now, do you know whether or not the remainder of Wade's brothers, the remainder of Wade's family, his brothers and sisters, do you know whether or not they are here in the United States as citizens, and claim citizenship?

Mr. Erickson: To which we object as immaterial in this case. [74]

The Court: I think I'll sustain the objection. It depends on the individual.

Cross-Examination

By Mr. Erickson:

Q. Mr. Ricketts, was that in 1920 that you were up there and talked to Wade?

A. Well, 1920, 1921, along in there someplace. I don't remember just when it was. I used to just take a notion to go, and go.

(Testimony of Marion Ricketts.)

Q. Well, did Wade tell you he was going to stay up there, or what did he say?

A. The way I always understood it, he was coming back here.

Q. Well, what did he tell you?

A. Yes, he said he was going to come back to the States.

Q. When?

A. Well, he didn't say when. The same as my boys; they said they was going to come back, and all at once they come.

Q. Didn't say whether as a visitor or to live.

A. Well, I won't say that. I supposed when he said he was coming back he was coming to stay.

Mr. Erickson: That's all. Oh, just one more question. Was Wade married when you were up there? A. No.

Q. He was living with his folks?

A. Yes, working out.

(Whereupon, there being no further questions, the [75] witness was excused.)

ALBERT W. CULL

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Young:

Q. Your name is Cull?

A. Albert W. Cull.

(Testimony of Albert W. Cull.)

Q. And where do you live?

A. 604 West 13th Avenue.

Q. What business are you engaged in?

A. I am general agent for Western Life Insurance Company.

Q. And are you acquainted with the plaintiff in this case? A. I am.

Q. How long have you known him?

A. Approximately five years.

Q. When did you first become acquainted with him? A. I think it was in December of 1942.

Q. Where was he?

A. In his restaurant in the Empire Building here.

Q. You became acquainted with him in December of 1942? A. I think that was it, yes.

Q. What was the circumstances of your making his acquaintance?

A. I canvassed him as a possible prospect for insurance.

Q. Did you have occasion to discuss with him his citizenship [76] or claimed citizenship?

A. Not at that time; not until June of 1943.

Q. Do you know whether or not he had been operating the restaurant that you refer to for any time prior to the time you made his acquaintance?

A. Yes, he had been there, for he told me at that time that business hadn't been the best while he had been there, for some time before that; I don't know the exact number of months.

(Testimony of Albert W. Cull.)

Q. Now, when was the first time you had occasion to inquire as to his state of citizenship?

A. June 19, 1943.

Q. What was the circumstances of your making that inquiry?

A. I was writing up an application for insurance, and among the questions there is "Are you a citizen of the United States?" and he said yes, he was.

Q. Have you that application?

A. I have; this is a photostatic copy on the back.

Q. Is this part of an original policy?

A. That is the policy.

(Whereupon, Application for Insurance (being a part of an insurance policy) was marked Plaintiff's Exhibit A for identification.)

The Court: I suppose you want to substitute a copy? [77]

Mr. Young: Yes, I would, your Honor.

The Court: That may be done.

Mr. Young: Can you arrange for a copy of that to be made available?

Witness: It will have to be photographed.

Mr. Young: Maybe we'd better type a copy, then.

The Court: I didn't mean a photostatic copy. I just assumed you wouldn't want a man's insurance policy in evidence here.

(Testimony of Albert W. Cull.)

Direct Examination

(Continued)

Q. The application that you have been referring to is plaintiff's Exhibit A for identification, is that correct?

A. That is correct, and this man's signature is there. Here's another one where he swore the same thing to the doctor.

(Whereupon, copy of physician's examination was marked Plaintiff's Exhibit B for identification.)

Mr. Young: I offer plaintiff's identification A.

Mr. Erickson: No objection.

The Court: It may be admitted.

(Whereupon, Plaintiff's Exhibit A for identification was admitted in evidence.)

PLAINTIFF'S EXHIBIT "A"

(Part I)

B-C1

(Use Black Ink Only)

Application for Insurance

I, the undersigned, hereby make application for a policy of Life Insurance upon my life in the Western Life Insurance Company, Helena, Montana, and in connection therewith and as a part thereof state that:

1. My name is William Wade Ricketts.
2. I was born at Hydro, Okla.
3. My date of birth is Month, Feb.; Day, 3; Year, 1902.

(Testimony of Albert W. Cull.)

Plaintiff's Exhibit A—(Continued)

4. My age, nearest birthday, is 41. My sex is male.
5. At my death this insurance is to be paid to:
Full name: Gordon Cecil Ricketts and Burke Evan Ricketts, Millinger, Sask., whose relationship is sons—share and share alike or the survivor thereof, if living at the time claim is made, otherwise to: Wayne C. Ricketts, Winlock, Wash., whose relationship is brother, share and share alike, or to the survivor thereof, under the option chosen below. The right to commute payments after my death is.....given to the beneficiary.

Any Option May Be Selected

- a. A cash payment of the net amount due at death to be made in one sum upon approval of claim. (Option "a" will be used if no other option is selected.)
- b. The Company to retain the net proceeds for a definite period of time, and then pay in one sum or in installments.
- c. A cash payment at death and the balance paid in installments. (If no cash is desired at death "None" should be inserted.)
- d. The Company to retain the net proceeds due until the first of September in any given year and then pay the net proceeds in installments (usually monthly) for the nine school months of the year for four successive years, the remaining balance to be paid in one sum on

(Testimony of Albert W. Cull.)

Plaintiff's Exhibit A—(Continued)

the first day of June in the fourth year after the first payment of Income is made.

- e. A life income (..... years guaranteed);
- f. As a joint life survivorship income to the beneficiaries with provision to continue so long as a survivor lives. Under "e" or "f" it is necessary that the birthdate of the beneficiaries be given.

Note. Under "b, c, e, or f" payments may be made annually, semi-annually, quarterly or monthly, provided not less than \$10.00 is payable monthly.

Indicate by letter option selected: A. Payment at death: Total. First Payment Amount Payments to be made (Annually, semi-annually, quarterly or monthly.) Birthdates

- 6. I apply for \$2174.00 of insurance on the K 65 L.I.M. (par) plan With the Following Additional Benefits: (Use this space to request Double Indemnity, Total Disability, Family Income, Annual Renewable Term, Survivorship, Social Security Riders and Return Premium Provision.)
-
-

- 7. The annual premium for this insurance shall be \$115.46 payable in advance annually.
- 8. I apply for Initial Term Insurance to.....
- 3. The premium for such insurance to be \$.....

(Testimony of Albert W. Cull.)

Plaintiff's Exhibit A—(Continued)

9. I request that the automatic provisions for loans to pay premiums apply. (If this privilege is not desired write "do not". Only applicable to policies that contain loan provisions.)
10. I have paid the agent the following settlement: Check for 115.46.
11. My residence address is: 110 No. Division, Spokane, Spokane County, Wash.
(If in county) I live miles in a direction from on route
12. My business address is: 110 N. Division, Spokane.
13. Send premium notices to (Business) (Residence) address
14. My former residence address was: Spokane, Wash.
15. My present occupation is Restaurant Owner. My exact duties are Manage & Cook. My employer's name and address are self.
16. I have not within five years changed my occupation, nor do I contemplate doing so except as follows—No.
17. I do not intend to visit or reside outside the United States, nor do I contemplate any special undertaking except as follows:
18. I do not intend to make aircraft ascensions except as follows:
19. I own the following life insurance: None.

(Testimony of Albert W. Cull.)

Plaintiff's Exhibit A—(Continued)

20. I was last medically examined for life insurance during None.
21. The above life insurance provides for Double Indemnity of \$ No.
22. I have no application pending in any company, association, society or order except as follows: None.
23. I have never applied to an agent, company, association or order, for a policy, or for reinstatement of a lapsed policy which was refused or issued on a plan or for an amount or at a rate different than applied for except as follows: None.
24. This insurance is not purchased for the purpose of replacing insurance in this or any other company except as follows: None.
25. If a participating policy, specify Dividend Option desired. I select Dividend Option No.
(1) (2) (3x) (4)

Remarks:

Home Office Corrections or Additions

I agree on behalf of myself and any other person who shall have or claim any interest in any policy issued on this application as follows:

1. That if the first premium is paid in full with this application and the binding receipt attached hereto is issued to me by the agent, that the liability

(Testimony of Albert W. Cull.)

Plaintiff's Exhibit A—(Continued)

of the Company shall be as stated in such binding receipt.

2. That if such first premium is not paid in full with this application, the insurance hereby applied for shall not take effect unless and until the first premium is paid in full and the policy is delivered to me during my lifetime and while I am in good health.

3. That my acceptance of any policy issued on this application will constitute a ratification by me of any correction in or addition to this application made by the Company in the space provided for "Home Office Corrections or Additions," and shown in the copy hereof attached to such policy, unless specifically excluded by law in the State of my residence.

Signed at Spokane, State of Wash., this 19 day of June, 1943.

Witnessed by

A. W. Cull,
Agent.

/s/ WM. WADE RICKETTS.

Part II (Non-Medical)

Declaration of Insurability in Lieu of
Medical Examination

In continuation of and forming part of application
for Insurance to the
Western Life Insurance Company, Helena, Montana

The following statements are made with the

(Testimony of Albert W. Cull.)

Plaintiff's Exhibit A—(Continued)

understanding that the Company reserves the right to require me to submit to a medical examination.

This blank must not be used if the applicant and the agent are relatives.

1. What is your race? Color? White.
2. Are you a citizen of the U. S.? U. S.
3. Are you single, married, widowed or divorced? Single.
4. Are you now in good health to the best of your knowledge and belief? Yes.
5. Family record: In giving cause of death or ill health, avoid indefinite terms.

	Living		Age at	Year of	Dead	How long
	Age	Health	Death	Death	Cause of Death	Sick
Father			77	1939	Age Prostate Gland Operation	
Mother			60	1939	Gall Stones	2 yrs.
Brothers	7					
Number		33				
Living	7	to				
Number		50	All			
Dead			Good			
Sister	0					
Number						
Living	0	None				
Number						
Dead	0					

(Testimony of Albert W. Cull.)

Plaintiff's Exhibit A—(Continued)

6. Has there ever been a case of insanity, tuberculosis, epilepsy, or suicide in your family?
No.
7. Have you occupied the same house with a consumptive during the past five years? No.
8. Has any physician expressed an unfavorable opinion of your insurability or health? No.
9. Have you ever had, or been advised to have a surgical operation? Yes.
10. Has change of residence or occupation ever been sought or advised for the benefit of your health? No.
11. Have you any deformity, amputation or any physical disability? No.
12. Have you received any insurance benefits or compensation for illness or injury? No.
13. Have you ever used alcoholic stimulants to intoxication? No.
14. Have you ever taken, or been advised to take, treatment for the liquor or drug habit?
No.
15. Do you, or have you ever used opium, cocaine or any other narcotic or habit forming drugs? No.
16. Give complete explanation if any of questions 6 to 15 inclusive are answered "Yes."

Ruptured & wears a truss—Never bothers him but has been advised to have it sewed up. #9.

(Testimony of Albert W. Cull.)

Plaintiff's Exhibit A—(Continued)

17. a. What is your exact height?
 a. 5 ft. 8½ in.
 b. What is your exact weight? b. 150.
 c. Has your weight changed in last two years? c. None.
 d. Amount and cause? d. None.
18. a. When did you last consult a physician, osteopath, chiropractor, or any practitioner? Never.
 b. Have you ever been under treatment at any asylum, hospital or sanitarium?
 No.
 c. Have you ever had dizziness, fainting spells, fits, or any nervous trouble?
 No.
 d. Have you any defect of sight or hearing?
 No.
 e. Have you ever had goitre, gout, or rheumatism? No.
 f. Have you ever had pleurisy, influenza, asthma, or any disease of the lungs?
 No.
 g. Have you ever had a cough, spitting of blood, or any other symptoms of tuberculosis? No.
 h. Have you ever had high blood pressure, shortness of breath, or any disease of the heart? No.

(Testimony of Albert W. Cull.)

Plaintiff's Exhibit A—(Continued)

i. Have you ever had any disease of the stomach, bowels, appendix, rectum, liver, or gall bladder or are you ruptured?

No.

j. Have you ever had a cancer, tumor, or ulcers of any kind? No.

k. Have you ever had diabetes, or have you ever taken insulin or been on a restriction of diet? No.

l. Have you ever had a disease of the kidney or bladder? No.

m. Have you ever had syphillis, gonorrhoea, or any other disease of the genito-urinary system? No.

n. Have you ever consulted a physician, osteopath, chiropractor, or any practitioner for a cause not included in any of the above questions? No.

19. Give complete explanation if any subdivision of question 18 is answered "Yes."

Illness or Injury	Date	Number of attacks
Duration	Remaining effects.	

Name and Address of Attending Physician

.....

I hereby declare that I have read all statements and answers as written or printed herein and in Part I of this application and that the same are full, complete and true whether written by my hand or not. I further declare that no occurrence or in-

(Testimony of Albert W. Cull.)

Plaintiff's Exhibit A—(Continued)

formation concerning my past or present state of health, my habits of life, the amount of insurance in effect on my life on the date of this application, or the rejection of any application for insurance on my life, has been withheld or omitted. I agree that the statements and answers contained herein are, and shall be considered the basis of any insurance issued hereon.

I hereby expressly waive on behalf of myself and any person or persons who shall have or claim an interest in any policy issued hereon, all provisions of law forbidding any physician or other person who has prescribed for me or attended me, or may hereafter prescribe for me or attend me, from disclosing any knowledge or giving any information thereby acquired by him. I expressly authorize such physician or person to make such disclosures and to give such information.

Dated at Spokane, Wash., this 19th day of June, 1943.

Witness:

A. W. Cull,
Agent.

/s/ WM. WADE RICKETTS,
Applicant.

(Signature of Applicant in Full)

Mr. Young: Did you have any objection to this?

Mr. Erickson: Whose writing is this?

Mr. Young: I assume it is the doctor's [78]

(Testimony of Albert W. Cull.)

Mr. Erickson: I would like to ask a few questions about how it was filled out. I think Mr. Ricketts could answer that.

Mr. Young: All right, I'll put him on the stand.

Direct Examination

(Continued)

Q. Now, aside from this insurance inquiry made by you of Mr. Ricketts, what, if anything, else were you informed at any other times concerning his claim of citizenship?

A. Between these two policies some question come up with the Immigration authorities, and he told me that his ancestors were 'way back amongst the Mayflower, and why they should question him about being an American he couldn't see.

Q. I see; he discussed being put out about it?

A. Yes.

Q. Know anything else about his claimed citizenship?

A. Nothing, except he always claimed he was an American, and always supported the Red Cross and different drives I was on.

Cross-Examination

By Mr. Erickson:

Q. Now, at the time you took this application for life insurance in June, 1943, did he tell you at that time that he had any difficulty with the Immigration service? A. Not with the first, no.

Q. As a matter of fact, you filled out the application for insurance, didn't you? [79]

(Testimony of Albert W. Cull.)

A. Him answering the questions, as he said, yes.

Q. You just asked the questions and wrote down the answers yourself?

A. Wrote what he said, yes.

Q. Now, did you ask him specifically whether he was born in the United States, or whether a citizen of the United States?

A. If you are a citizen of the United States, it doesn't say where you was born.

Q. And he told you later on that he did have some difficulty with the Immigration authorities. Do you remember when that was?

A. It was between June of 1943 and July; no, between May, 1943, and June of 1944; I would judge around the first of the year some time.

Q. He did not discuss with you the merits of his case, his father going to Canada and taking out a homestead? You did not know about those details, did you?

A. Yes, I knew his father had homesteaded in Canada, yes.

Mr. Erickson: That's all.

(Whereupon, there being no further questions, the witness was excused.)

The Court: You've only introduced one policy.

Mr. Young: Yes, I have to further identify the other. [80]

ART STEWART

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Young:

Q. Mr. Stewart, your name has been dictated into the record. What is your business?

A. Contractor.

Q. And where do you live?

A. 4621 East 7th.

Q. How long have you been in the contracting business: A. Oh, about twelve years.

Q. What type of contracting do you follow?

A. Building.

Q. General building? A. Yes.

Q. How long have you known Mr. Ricketts, if you do know him, plaintiff in this case?

A. Since about September of 1944.

Q. And that is first that you knew him?

A. Yes.

Q. What, if any, claim of citizenship did he make at that time?

Mr. Erickson: To which we object, because it is after the institution of this action.

Mr. Young: I think that objection should be [81] sustained. I thought this witness had known him longer.

The Court: The objection will be sustained.

Direct Examination

(Continued)

Q. Do you know anything respecting his citizenship that would be of help to him, in your opinion?

(Testimony of Art Stewart.)

A. I know with all our talks he always claimed to be an American citizen.

The Court: Were all those talks after 1944?

A. Yes; I didn't know him until 1944.

The Court: The answer will be stricken from the record, and the answer disregarded. The court will instruct itself to disregard the answer.

(Whereupon, there being no further questions, the witness was excused.)

HAROLD GUBSER

called as a witness on behalf of the plaintiff, being first duly sworn, testified as follows:

Direct Examination

By Mr. Young:

Q. How long have you known Mr. Ricketts, the plaintiff in this case?

A. Well, I think ever since he started in business here in the Empire Hotel, in the restaurant.

Q. What is your business and occupation?

A. I had a grocery store up until two months ago.

Q. And did you transact business with Mr. Ricketts? [82] A. Yes.

Q. That is the reason you remember him and know about him?

A. Yes, he traded there.

Q. When do you think, approximately, he started in business in the Empire restaurant?

(Testimony of Harold Gubser.)

A. That I can't say definitely. I think I started in in 1937, but I don't know for sure when he started. I think it must have been around 1940 or '41.

Q. And he was operating, then, the restaurant in the Empire Hotel building around 1940 or 1941, to the best of your recollection. Did you have occasion to discuss with him along about this time his claimed citizenship, or anything pertaining to his citizenship?

A. I don't remember discussing that with him at that time, right at first.

Q. I see; well, how soon after he started in the restaurant business do you remember discussing his claim of citizenship, to the best of your recollection?

A. I can't say definitely; I don't think it was for a year or two afterwards, though.

Q. Well, did something come up a year or two afterwards that was the occasion of him discussing his citizenship with you?

A. Yes, he had spoken of some trouble with the Immigration authorities. [83]

Q. I see; you think that occurred about a year or so after he was in business there?

A. As to the time, I couldn't say.

Q. What, if anything, did he say to you with respect to his citizenship, as to whether he was or was not an American citizen?

A. He told me that he thought he was, that he was born here, and thought he was a citizen.

Q. Did you discuss that matter with him on any other occasion?

(Testimony of Harold Gubser.)

A. Well, yes, several times afterwards.

Q. What, if anything, did you observe about his life in the community along the time he started in the restaurant business?

A. Well, his dealings with me were absolutely A-1.

Mr. Erickson: To which we object as immaterial.

The Court: The answer will be stricken as not responsive.

Direct Examination

(Continued)

Q. That wasn't the answer I hoped to receive. Did you observe whether or not he was interested in civic and political matters affecting the welfare of this country?

A. As far as I know I—no, I didn't know anything about it.

Q. I see; you didn't make any observation about it?

A. I didn't know anything other than our business dealings. [84]

Mr. Young: May may inquire.

Cross-Examination

By Mr. Erickson:

Q. You state that you had a conversation with Mr. Ricketts about being an alien, about him being a citizen, sometime, and you didn't fix the exact date. Can you fix the date of that?

A. No, I couldn't.

(Testimony of Harold Gubser.)

Q. Do you remember talking to some immigration inspectors that were out to see you?

A. Yes.

Q. Do you remember telling them you thought your conversation with Mr. Ricketts was in June or July, 1943, about Ricketts being a citizen?

A. I don't remember those dates either; that could be right.

Q. There isn't very much about it that you do recall at this time, Mr. Gubser?

A. Not of specific matters; the date part I can't remember.

Mr. Erickson: That's all.

Redirect Examination

By Mr. Young:

Q. Do you remember telling the Immigration authorities anything that Ricketts claimed with respect to his citizenship?

A. I think that was in the conversation.

Q. What did you tell them with respect to respect to Ricketts' claims of citizenship in the United States? [85]

A. As I recall it now, I told them that he had always professed in talking to me as being an American, and as I recall, I was questioned if that was, could have been, before a certain date too, but I did not know then which the date was; I've forgotten that already.

(Testimony of Harold Gubser.)

Recross-Examination

By Mr. Erickson:

Q. Well, did you tell, or did Mr. Ricketts tell you that he voted in Canada?

A. Yes, I believe that he did.

Mr. Erickson: That's all.

Redirect Examination

By Mr. Young:

Q. Isn't this what—state whether or not this is what Ricketts told you; that the basis of the claim, one of the bases of the claims of the Immigration authorities, was that he had lost his citizenship by reason of voting in Canada on an occasion?

Mr. Erickson: I think that's leading.

The Court: I'll sustain the objection on that ground, that it is leading. This is redirect of your own witness.

Mr. Young: Yes, I am trying to find out what he told.

Redirect Examination

(Continued)

By Mr. Young:

Q. Well, what did you tell the Immigration authorities that Ricketts told you about his voting in Canada? [86]

A. That I don't remember.

Q. Well, what did Ricketts tell you about his voting in Canada, that you told the Immigration authorities?

A. Well, we discussed it several times in talking about the trouble he had had, but as far as I re-

(Testimony of Harold Gubser.)

member, just what he said specifically on that point I don't remember.

Q. Well, do you know whether Ricketts told you anything about voting in Canada, or whether the Immigration authorities told you that he voted in Canada?

A. I can't answer that either.

Mr. Young: That's all.

(Whereupon, there being no further questions, the witness was excused.)

Mr. Young: Now, your Honor, I have some depositions from Canada of various witnesses. I has occurred to me that there may be one of several ways of handling them. I could offer them in evidence with the direction that they would ultimately be transcribed by the reporter into the statement of facts, or we can introduce them and read them question and answer.

The Court: I think it would be preferable to read them by question and answer, because there may be some objections that opposing counsel may wish to make, and we have to decide what is to be read and what kept out.

Mr. Young: All right. I move now for an order [87] publishing the deposition, and if you will turn over the envelope, I will indicate the deposition. At this time I ask the court for an order publishing the depositions of John Gardner McDougall and John Blair Lowrie, taken in this case on oral interrogatories.

The Court: Is there any objection to the publication of the depositions?

Mr. Erickson: No objection.

The Court: They may be published.

Mr. Young: I make the same motion with respect to the deposition of Forrest Dale Campbell.

The Court: It may be published.

Mr. Young: At this time I offer in evidence the deposition of witness John Gardner McDougall, taken before Ward H. Patterson, Commissioner, at his office in Calgary, Province of Alberta, on the 17th day of October, 1945, taken pursuant to Letters Rogatory issued out of this Court over the signature of Lloyd L. Black, Judge, dated September 15, 1945. The witness was sworn on oath, cautioned to tell the truth, and testified as follows:

The Court: Yes, I think we can omit the formal parts. There is no objection to that, is there?

Mr. Erickson: No.

Mr. Young: I assume they will be written into [88] the record?

The Court: Yes.

(Title of Cause.)

LETTERS ROGATORY

“The President of the United States, to any Judge or Tribunal, or Notary Public having jurisdiction of Civil Causes in the Province of Alberta, Dominion of Canada, Greeting:

Whereas, there is now pending before us a certain action in which William Wade Ricketts is plaintiff and The Attorney General of the United States

is defendant, and it has been made known to us that the testimony of the following witnesses, to-wit: Geo. W. Edmunds and John B. Lowrie of Calgary, William Craig and James McDougall of Cheadle, and F. D. Campbell and Mrs. Al Haga of Vulcan in the Province of Alberta, Dominion of Canada, are necessary in order that full justice be done in the premises;

We therefore request that, by the proper and usual process, you cause the said witnesses to appear before you, or before some person by you for that purpose appointed, on Monday, the 1st day of October, 1945, or succeeding days thereafter until all of said depositions have been taken, then and there to make answer on his oath or affirmation to the several oral interrogatories [89] and cross interrogatories, and that you cause his deposition to be committed to writing, inclosed and sealed and returned to us, together with these presents; and we shall be ready and willing to perform for you the same functions when required.

/s/ LLOYD L. BLACK,

Judge

/s/ A. A. LAFRAMBOISE,

Clerk.

P. O. Box 1493,

Spokane, Wash. 7.”

Dated Sept. 15, 1945.

(Title of the cause)

LETTERS ROGATORY

“Evidence of John Gardner McDougall, a witness on behalf of the Plaintiff, taken before Ward H.

Patterson, Esq., Commissioner, at his office, 227a - 8th Avenue West, in the City of Calgary, in the Province of Alberta, Dominion of Canada, at the hour of 11.30 a. m. on the 17th day of October, A. D. 1945.

Present:

- George W. Young, Esq.,
Attorney for the Plaintiff,
- Harvey Erickson, Esq.,
Assistant United States District Attorney,
Attorney for the Defendant.
- H. E. Cutler, Esq.,
Official Court Reporter.

Harvey E. Cutler, Official Court Reporter, took the [90] following oath:

You shall truly, faithfully and without partiality to any or either of the parties in this cause, take, write down, transcribe and engross all and every question which shall be exhibited or put to the witnesses and also the depositions of such witnesses produced before and examined by the Commissioner named in the Commission within written, as far forth as you are directed and employed by the Commissioner to take, write down, transcribe or engross the said questions and depositions. So help you God.

/s/ WARD H. PATTERSON,
Notary Public.

/s/ H. E. CUTLER,
Official Court Reporter.

Be It Remembered that on this 17th day of October, A. D. 1945, in the City of Calgary, Province of Alberta, Dominion of Canada, personally

appeared before me, Ward H. Patterson, Esq., a Notary Public in and for the Province of Alberta, residing at Calgary, John Gardner McDougall, of Cheadle, of the Province of Alberta, a witness for and on behalf of the Plaintiff. He was by me cautioned and sworn to tell the truth, the whole truth and nothing but the truth. The plaintiff was represented by his attorney, George W. Young, Esq.,; the Defendant was represented by Harvey Erickson, Esq., Assistant United States District Attorney, Attorney for the Defendant; that said witness gave testimony in the [91] above entitled cause pursuant to the attached Letters Rogatory and stipulation under which said Letters were issued, as follows:

JOHN GARDNER McDOUGALL.

a witness called on behalf of the Plaintiff, in the action, having been first duly sworn, examined by Mr. Young, testified as follows:

Q. Your name is John Gardner McDougall?

A. Yes.

Q. Are you sometimes known as "James McDougall"?

A. No. "Red" mostly. I do not know how "James" got in.

Q. You are the James McDougall that is mentioned in the Letters Rogatory, so far as you know?

A. Yes.

Q. Is there anyone living at Cheadle named McDougall other than yourself?

(Deposition of John Gardner McDougall.)

A. No, I am the only one.

Q. And your residence is at Cheadle?

A. Yes.

Q. How old a man are you?

A. 35 years old.

Q. Are you acquainted with William Wade Rickett, the Plaintiff in this action?

A. Yes.

Q. Now how long have you lived at Cheadle?

A. I have lived there since 1935. [92]

Q. What is your business? A. Farming.

Q. Are you engaged in farming for yourself?

A. Yes, on a share basis.

Q. How many acres of land are you farming down there? A. 2330 acres.

Q. And you have it all on a share basis?

A. Yes.

Q. You own your own equipment, do you?

A. No, no.

Q. You also share that? A. Yes.

Q. How long have you been farming this land?

A. Three years I have been farming there.

Q. Are you a married man? A. Yes.

Q. What does your family consist of?

A. One son.

Q. How old is he?

A. Rising two, he will be two years in January.

Q. You were recently married?

A. Yes.

Q. Now, when did you first meet William Wade Ricketts?

A. In 1934, the winter of 1934.

(Deposition of John Gardner McDougall.)

Q. What were the circumstances of that meeting? [93]

A. We were both working on a ranch down here at Dalemead.

Q. Did you occupy living quarters together?

A. Yes, we occupied living quarters for three months together.

Q. And following that first meeting did you see him or associate with him?

A. We were together for three months, every day working side by side.

Q. And then following that?

A. Following that then I met him off and on, for, oh, two years after that.

Q. Then when was the last time you met him?

A. Last summer when he was back up to Calgary here.

Q. During the time of your acquaintance with him, what, if any, citizenship did he claim?

A. He always claimed American and he said he was born there, he always claimed that.

Q. When you use the term "American" you mean citizenship in the United States?

A. Yes, that is what I mean.

Q. When was the first time so far as you can recall when you had occasion or when you discussed his citizenship with him? And by "him" I mean "William Wade Ricketts," the Plaintiff in this action?

A. Well, that was in the first time I met him in 1934 when [95] we were working together. We

(Deposition of John Gardner McDougall.)

were talking what our nationalities was and I told him I was Scotch and he claimed to be an American then and we used to get into arguments back and forward, as you do, discussing the border and that.

Q. Did you ever hear him discuss Canadian politics or British politics?

A. No, no, he did not take any active part in that, he may have talked about the Government we had here, you know, like you do, we talked of that but he never actually got into any argument over it. It did not seem to worry him one way or the other.

Q. So far as you were able to observe did he ever participate in Provincial or local politics?

A. Not to my knowledge has he ever done.

Q. Did he ever, so far as you know, or rather state whether or not he ever advocated the election, or advocated the cause of any one seeking office in Canada?

A. No, he never did.

Q. Or in the Province of Alberta?

A. No.

Q. During the time you knew him what was his occupation?

A. He was a farm and ranch hand when I first knew him and then after that he had a restaurant in Calgary here for a while. [95]

Q. He operated a restaurant in Calgary for a time?

A. Yes, on 17th Avenue West here.

Mr. Young: You may inquire.

(Deposition of John Gardner McDougall.)

Cross-Examination

By Mr. Erickson:

Q. Mr. McDougall, you first became acquainted with him when you were working together on the same ranch as hired—— A. As hired help.

Q. As hired help? A. Yes.

Q. And he was not married at that time and you were not married? A. No.

Q. You both lived together in the same bunkhouse? A. In the same bunkhouse.

Q. Did he discuss with you the question of citizenship, did he bring that up?

A. Well, we were talking, you know, as we do, what our nationalities was and I said I was Scotch and he said he was an American, his folks were born there and he was born there and he was an American.

Q. Did he say he was born in the United States? And that he was still an American citizen?

A. He said he was born in the United States and he said he was American, he said he had never changed his papers.

Q. He said he had never taken out papers in Canada? [96]

A. That is what he told me.

Q. Did he say that his father had taken out papers?

A. He never mentioned his father taking out papers to me at all.

Q. Did he ever mention his father at all?

A. Well, he said his father and mother were

(Deposition of John Gardner McDougall.)

born in the States, that is all he ever mentioned his friends' names.

Q. Did he say that his father and mother were of any different citizenship than he was?

A. No, he never, I never heard him say that at all.

Q. Did he ever mention any other brother or member of the family?

A. No, he never mentioned any member of his family to me.

Q. So far as you know his family consisted of himself and his parents?

A. To me, so far as my knowledge went.

Q. Did they have any election or political campaign on at the time you were living together with him?

A. No, never did.

Q. Do you vote in Canada?

A. Yes, I do.

Q. You are a Canadian citizen?

A. I am a British subject, and a Canadian citizen, yes.

Q. And did you discuss with him which party you advocated or adhered to up here? [97]

A. No, we never came to an election up here at that time, and we never got into that, as to what my form was in politics.

Q. Did you advocate either party you believed in or its principles?

A. Yes, we used to argue back and forward and he would not take any part in it, he never said what he thought one way or the other.

(Deposition of John Gardner McDougall.)

Q. What party did he think was the best up here, if he made any statement?

A. Well, there was that time, he was in there, there was the Conservatives in about that time and they were having men out working for next to nothing and we was pretty well, working for our board at that time, in 1934, it was a pretty tough time.

Q. Yes.

A. And that is when we used to talk about one thing and another.

Q. Did he believe that the Conservative party was the best party?

A. No, he did not, he did not figure that one party was much more than the other, he did not think any of the old line parties, he thought they were much alike.

Q. Did he discuss the hard times and the relief set-up you had here in Canada? [98]

A. Pardon?

Q. Did he discuss the relief set-up you had here in Canada?

A. Well, he said he did not think it was as good as the set-up they had in the States, that is all he claimed to me.

Q. They were having down there——

A. Well, you had some kind——

Q. The W.P.A.?

A. The W.P.A. or something of that kind down in the States, and we had relief in this country.

Q. What did you call your program in Canada?

A. Just relief.

(Deposition of John Gardner McDougall.)

Q. And he thought that the W.P.A. program in the United States was superior?

A. Was superior.

Q. To the relief program which you had in Canada? A. Yes.

Q. Did he tell you how long he had lived in Canada? A. No, never did.

Q. Did he ever state to you that he intended to go back to the United States?

A. No, that never came up at all.

Q. Did he ever discuss with you that he might stay in Canada? A. No.

Q. And become a Canadian? [99]

A. No, that was never brought up at all.

Q. Did he state to you what kind of work he was going to follow?

A. Well, at that time we both followed the farming trade and we did not see much difference, but I believe he was interested in the restaurant business and after a few years he did start a small restaurant in Calgary here.

Q. Well, during the time you lived together with him, for the three months, and you talked with him every day? A. Yes, we talked.

Q. And you discussed this citizenship question many times? A. Yes.

Q. Do you recall that he said outright that he was a citizen of the United States?

A. Yes, he claimed to be a citizen of the United States. We used to razz him and call him a "Yankee" and one thing and another, and "Scotchman,"

(Deposition of John Gardner McDougall.)

back and forward, and he claimed he was an American.

Q. And you said you met him about two years later, where did you meet him two years later?

A. Two years later, if I recall rightly, it was in the restaurant here in Calgary, I might be a year out, I would not swear what the exact date was at all.

Q. But you were in his restaurant?

A. Yes, I have been in his restaurant. [100]

Q. Did you discuss any citizenship at that time?

A. No, there was nothing discussed then at all.

Q. And you did not see him then until this summer?

A. I did not see him until last summer.

Q. That was the summer of 1944?

A. 1944, I guess, yes, 1944; this is 1945 and it was last summer he was up.

Q. Did he discuss with you at that time any trouble that he was having with the Immigration authorities?

A. Yes, he did. He told me that he was having trouble and that is why he was up here.

Q. And he asked you at that time if you would be a witness for him?

A. No, he never asked me at that time if I would be a witness. The first thing I knew about being a witness was when I received the letter from Mr. Young.

Q. What trouble did he tell you he had with the Immigration authorities?

(Deposition of John Gardner McDougall.)

A. Well, he told me that he had got caught and put out because they figured he was a Canadian and he was waiting here and sending to Ottawa, he was waiting here quite a long time getting papers back from Ottawa to claim his American citizenship, because they were trying to make out he was not an American.

Q. Did he discuss any of the facts with you then? [101] A. No.

Q. About his father moving to Canada?

A. He said he was having trouble finding his dad's certificate or something like that down in Ottawa.

Q. His father's birth certificate?

A. I think that is what it was, or his own birth certificate or something in Ottawa, I did not pay much attention to him talking that day.

Q. That is the first time you know of that he ever mentioned his father?

A. No, he had mentioned his father being born in the States and his mother that other time and that is all, and then he mentioned it again here.

Q. Did you ever know anything about his younger brother?

A. No, I never knew there were any other of the family other than him.

Q. He never mentioned any other members of his family?

A. No, he never mentioned any other member of the family.

Q. Well, he did say to you that he was waiting to get back into the States in the summer of 1944?

(Deposition of John Gardner McDougall.)

A. Yes, he said that that was why he was up there, he had closed his restaurant and was waiting to get back down there on that account.

Q. Did he state what he was going to do, what he intended, what he was going to do down there after claiming his [102] residence?

A. What do you mean?

Q. Or citizenship in the United States?

A. What do you mean by that?

Q. I mean did he state that he was going to the United States for the purposes of being a visitor or a permanent resident?

A. No, he wanted to be a permanent resident of the United States when he went back.

Q. He said then that he was through with Canada? A. Yes.

Q. So far as residing here was concerned?

A. Yes, that is what he said; he strongly discussed that, that he would not come back to Canada at all.

Q. Did he give any reason?

A. Well, he said it was a much better country, he always figured that, and better times down there and he said he was always an American and he was going back there because he liked it there.

Q. Did he tell you that he had ever voted or held any office either in the municipal or city government up here? A. No.

Q. At any time or a school district?

A. No, he never mentioned that at all to me.

Q. Did he discuss with you any of the reasons

(Deposition of John Gardner McDougall.)

why the Immigration [103] authorities would not permit him to come back into the United States?

A. Well, he did discuss about that one time, about one time he went over there some way without them knowing, he had not declared himself and that is why they caught up with him or something, according to him.

Q. And that is the only reason?

A. That is the only reason he gave me.

Mr. Erickson: That is all.

Mr. Young: Will you stipulate that the signature of Mr. McDougall may be waived, we do not need to wait for that.

Mr. Erickson: Yes, I will stipulate that the signature of Mr. McDougall may be waived and I think I also should probably stipulate in each deposition that the objections may be made at the time of the trial, to each interrogatory.

Mr. Young: Except as to the form of question.

Mr. Erickson: Except as to the form of question.

Mr. Young: It is stipulated between counsel representing the respective parties that the depositions herein taken of the witness herein may be mailed by the Notary Public taking it, directly to A. A. LaFramboise, Clerk of the United States District Court, Eastern District of Washington, Spokane, Washington. [104]

(Deposition of John Gardner McDougall.)

[Title of Cause.]

Province of Alberta,
City of Calgary—

I Hereby Certify that on the 17th day of October, A.D. 1945, before me, a Notary Public in and for the Province of Alberta, at my office at 227a-8th Avenue West, in the City of Calgary, Province of Alberta, Dominion of Canada, personally appeared pursuant to the stipulation and annexed Letters Rogatory, a witness, John Gardner McDougall, a witness named in the letters Rogatory, George W. Young, Esq., appeared for the Plaintiff, and Harvey Erickson, Esq., appeared for the Defendant, and the said John Gardner McDougall, being by me first duly cautioned and sworn to testify the whole truth, and being carefully examined, deposed and said as in the foregoing annexed deposition set out.

I Further Certify that the said deposition was begun on the 17th day of October, A.D. 1945, and was completed on the said day.

I Further Certify that the said deposition was then reduced to typewriting by Harvey E. Cutler, Esq., an Official Court Reporter, who was first sworn by me in the foregoing oath; and that the same has been retained by me for the purpose of sealing up and directing the same to the Clerk of the Court as required by law. [105]

I Further Certify that I am not of Counsel or

(Deposition of John Gardner McDougall.)

Attorney to either of the parties, nor am I interested in the event of the cause.

I Further Certify that the fee for taking said deposition has been paid to me by the Plaintiff and that the same is just and reasonable.

Witnesseth my hand and official seal at the City of Calgary, in the Province of Alberta, Dominion of Canada, this 17th day of October, A.D. 1945.

[Notary Seal]

/s/ WARD H. PATTERSON,
Notary Public.

CERTIFICATE OF REPORTER

I, Harvey E. Cutler, Official Court Reporter of the City of Calgary, Province of Alberta, Dominion of Canada, do hereby certify that I am the reporter referred to in the certificate immediately above; that I was sworn under the oath set forth in the certificate herein above; that I did attend and take of the deposition of the witness John Gardner McDougall, which deposition was taken after the witness was first cautioned and sworn on oath to tell the truth, the whole truth and nothing but the truth, in the above entitled cause; that I took his testimony as it was given in answer to oral interrogatories propounded to him, in shorthand and reduced the same to typewriting as appears herein. [106]

(Deposition of John Gardner McDougall.)

Dated at the City of Calgary, in the Province of Alberta, this 17th day of October, A.D. 1945.

/s/ H. E. CUTLER,
Official Court Reporter.

The Court: I don't recall whether there has been any testimony of the present marital status of the defendant, or rather the plaintiff.

Mr. Young: No, there hasn't been. I think we can stipulate on that.

The Court: I don't think it is material, perhaps.

Mr. Young: I would like at this time to offer the deposition of John Blair Lowrie under the same circumstances.

(Title of the Cause)

Letters Rogatory

Evidence of John Blair Lowrie, Esq., a witness on behalf of the Plaintiff, taken before Ward H. Patterson, Esq., Commissioner, at his office, 227a 8th Avenue West, in the City of Calgary, in the Province of Alberta, Dominion of Canada, at the hour of 2:30 p.m. on the 16th day of October, A.D. 1945.

Present:

George W. Young, Esq., Attorney for the Plaintiff.

Harvey Erickson, Esq., Assistant United States District Attorney, Attorney for the Defendant.

H. E. Cutler, Esq., Official Court Reporter.

HARVEY E. CUTLER,

Official Court Reporter, took the following oath:

You shall truly, faithfully and without partiality to any or either of the parties in this cause, take, write down, transcribe and engross all and every question which shall be exhibited or put to the witnesses and also the depositions of such witnesses produced before and examined by the Commissioner named in the Commission within written, as far forth as you are directed and employed by the Commissioner to take, write down, transcribe or engross the said questions and depositions. So help you God.

/s/ H. E. CUTLER,

Official Court Reporter.

/s/ WARD H. PATTERSON,

Notary Public.

Be It Remembered that on this 16th day of October, A.D. 1945, in the City of Calgary, Province of Alberta, Dominion of Canada, personally appeared before me, Ward H. Patterson, Esq., a Notary Public in and for the Province of Alberta, residing at Calgary, John Blair Lowrie, of Calgary, of the Province of Alberta, a witness for and on behalf of the Plaintiff. He was by me cautioned and sworn to tell the truth, the whole truth and nothing but the truth. The Plaintiff was represented by his attorney, George W. Young, Esq., the Defendant was represented by Harvey Erickson, Esq., Assistant United States District Attorney, Attorney for the Defendant; that said witness gave

testimony in the above entitled cause pursuant to the attached Letters Rogatory and stipulation under which said Letters were issued, as follows:

JOHN BLAIR LOWRIE,

a witness called on behalf of the Plaintiff in the action, having been first duly sworn; examined by Mr. Young, testified as follows:

Q. Your name is John Blair Lowrie?

A. Right.

Q. You will answer audibly so that the reporter will get your answers? A. Yes.

Q. Are you sometimes known as John B. Lowrie? A. Yes.

Q. And are you the John B. Lowrie that is mentioned in the Letters Rogatory that have been submitted to you? A. Yes.

Q. Where do you reside, Mr. Lowrie?

A. At Calgary, Alberta. Do you want my full address? [109]

Q. No, you reside at Calgary, Alberta?

A. Yes.

Q. That is sufficient. Now how long have you resided in Calgary?

A. Well nearly 40 years, 39 years, I was born here.

Q. What business are you engaged in?

A. Taxi and livery business, livery business.

Q. You are a married man, are you?

A. Yes.

Q. Have you a family? A. No.

(Deposition of John Blair Lowrie.)

Q. Will you tell me how long you have been in the taxi business here?

A. Approximately 15 years.

Q. You own a fleet of taxi-cabs, do you?

A. Well, I am a partner in them.

Q. Did you or do you know William Wade Ricketts, the plaintiff in this action?

A. Yes, I do.

Q. How long have you known him?

A. Approximately 10 years, since 1934.

Q. You met him in 1934 for the first time as you recall? A. Yes.

Q. During that time did you become acquainted with him, we will say to the extent of becoming friends? [110] A. Yes.

Q. What was he doing in Calgary, if he was in Calgary?

A. Well he worked around the district here, he also ran a restaurant or a lunch counter up in the West end of the city.

Q. During the time of your acquaintance with him did you have occasion to discuss with him his nationality or claimed citizenship?

A. Well—

Q. You can answer that “Yes” or “No”?

A. Yes.

Q. What, if any, representations did William Wade Ricketts make with respect to his citizenship?

A. Well he always claimed to be an American. He was born in the United States and amongst the

(Deposition of John Blair Lowrie.)

boys around he was always, claimed to be an American.

Mr. Erickson: Now, I move that that last part of the answer be stricken "amongst the boys around he was always, claimed to be an American."

The Court: I think that part should be stricken; it would appear to be hearsay.

Q. Have you heard him on more than one occasion profess or claim American citizenship or citizenship in the United States?

A. Yes, I have. [111]

Q. Do you know whether or not he was generally accepted to be or considered as an American citizen, by the people in the local community here in Calgary?

Mr. Erickson: I am going to object to that question as hearsay.

The Court: I think an objection will be sustained. It would be immaterial.

Q. State whether or not that was the general reputation which he bore with regard to his status as to citizenship here in this community?

Mr. Erickson: I object to that.

The Court: Sustained.

Q. Did you ever observe him engaging in any political activities peculiar to the Province of Alberta, or the City of Calgary? A. No.

Mr. Young: You may inquire.

(Deposition of John Blair Lowrie.)

Cross-Examination

By Mr. Erickson:

Q. How did you become acquainted with Ricketts in 1934?

A. Well one of the boys that worked in the office went out harvesting out at Cheadle, he was working around that district and he came in and we got acquainted here in the city and he always came around and he sat around the hotel there, you know; things were kind of tough at that time. [112]

Q. Has he ever worked for you? A. No.

Q. Did he stay at the hotel in which you had your office?

A. Well, he stayed around there, different hotels. He stayed at the Empire, that is next door, and I cannot say for sure whether he stayed in the Yale or not. I do not remember really. It is quite a while ago.

Q. Did you belong to the same Lodges or Societies as he belonged to? A. No.

Q. Was your acquaintance mainly business or was it social?

A. How—a little of both I guess, he used to drive with us and also be friends with him.

Q. He was not working for the Cab Company?

A. No, no.

Q. You said "drive" with you?

A. Well we used to drive him, I should say.

Q. He employed your cab to go about?

A. That is right.

Q. On his business at times? A. Yes.

(Deposition of John Blair Lowrie.)

Q. You say during that time he was in the restaurant business?

A. Yes, he had,—I would not say it was 1930 or 1934, but in those years you know he had a restaurant up there. [113]

Q. Did he own the restaurant business?

A. As far as I know.

Q. Did he have employees or was it just a small restaurant that he operated himself?

A. I think he had employees. I think he had a girl or two, I would not say for sure on that.

Q. Were you a patron in the restaurant?

A. No, just to have a cup of coffee, I never ate there. I always ate at home.

Q. Well how often would you see Mr. Ricketts, just give us a rough idea? A. Well—

Q. How many times?

A. Well if he was down town or something like that he would drop around and different times when we were out in the West end we would drop in there and have coffee.

Q. Well he has never visited in your home or you visited in his home?

A. Well not at that time, I was not married then.

Q. Has he ever visited in your home?

A. Yes, he has since I got married, in the last three years.

Q. Did you visit in his home? A. No.

Q. That was within the last three years?

A. Yes. [114]

Q. Did he ever discuss this case with you?

(Deposition of John Blair Lowrie.)

A. No.

Q. You say that he told you he was an American citizen or a citizen of the United States?

A. Right.

Q. And he told you that he was born in the United States?

A. Born in the United States, yes.

Q. Did he tell you anything about his family, his father or mother? A. No.

Q. Or did he tell you how he came to Canada?

A. No.

Q. You never asked him?

A. I never asked him, no.

Q. How he happened to come to Canada?

A. No.

Q. Well did he say he was going back to the United States or going to stay in Canada?

A. No, beg pardon?

Q. Did he tell you that he was going to stay in Canada or go back to the United States or what?

A. Well he always claimed to be an American and he did not claim he was going to stay in Canada and he did not say he was going back to the States.

Q. Did he tell you that he had any difficulties with the [115] Immigration officers? A. No.

Q. He never discussed any of his problems with the Immigration authorities with you?

A. No.

Q. What was the occasion, how did he happen to tell you that he was a citizen of the United States?

(Deposition of John Blair Lowrie.)

A. Well, he claimed to be an American, that is I figured he was a citizen.

Q. No, but I mean, upon what occasion or what caused him to say that?

A. Well, he just claimed he was an American.

Q. Were you discussing citizenship with him at the time or something of that nature, was that why he brought up the subject?

A. Well, gosh, I would not know.

Q. You do not recall the circumstances?

A. I do not recall it.

Q. Did he discuss that with other people besides yourself, that you know of, or just to you?

A. No.

Q. You and he were the only ones present when that was discussed, that he was a citizen of the United States?

A. Well, is this over the years, is this back in 1934?

Q. Well, at any time it was discussed, that he was a citizen [116] of the United States, were you and he alone together or were other people present?

Mr. Young: You can reflect on that if you wish.

A. Well, he used to claim it amongst the boys, you know, that he was an American and he was considered an American.

Q. Well who do you mean by "the boys"?

A. Well different chaps around, you know.

Q. Around the Cab Company?

A. Yes, we considered him, the way he talked, that he was an American.

(Deposition of John Blair Lowrie.)

Q. But you did hear him make that statement when others were present besides yourself?

A. Yes.

Q. There were other people present?

A. Yes.

Q. Do you recall who any of those were?

A. No.

Q. Just employees of the Company?

A. Yes.

Q. Well did he ever discuss any Provincial politics with you? A. No.

Q. At the time of elections? A. No.

Q. Did he ever discuss any local city politics?

A. None at all.

Q. Anything about the administration of the civic government of Calgary?

A. No, he worked around on the outskirts here, he was not always in town.

Q. Did he ever discuss any school district affairs with you? A. No.

Q. Or drainage affairs or any municipal affairs?

A. No.

Q. Did he ever discuss any political affairs in the United States, at the time of any Presidential election or anything like that? A. No.

Q. He never discussed, oh, President Roosevelt, whether he would be re-elected or not, or Wendell Wilkie, or any other figures that were running for office down there, like Governor Dewey?

A. I do not recall.

Q. All you remember then, is that he said he

(Deposition of John Blair Lowrie.)

was an American citizen or a citizen of the United States, and you do not recall that he said anything more than that about his citizenship?

A. No.

Q. When did you see Mr. Ricketts the last time, do you recall? [118]

A. Let me see, it must be about a year or so ago, about a year ago.

Q. That was up in Calgary here?

A. In Calgary here, yes.

Q. And he told you at that time that he had a case pending, did he, against the Immigration authorities, or the Attorney General, seeking a declaration of his citizenship?

A. Yes.

Q. And he discussed with you whether or not you would be willing to be a witness in the case?

A. No.

Q. He just told you that he had a case pending?

A. He said he had a case pending.

Q. Well did he ever tell you that he had held any school district post or any municipal post up in Canada at any time? A. None.

Mr. Erickson: I believe that is all.

Re-examination

By Mr. Young:

Q. When was the first time you knew that you were to be interrogated in connection with Ricketts', with William Wade Ricketts' case against the Attorney General?

(Deposition of John Blair Lowrie.)

A. Oh it must have been, I forget, it was last Fall or last January, somewhere in the winter, I believe it was, that [119] I got a letter from you asking me for an affidavit.

Q. That was the first time that you knew that you would be called? A. That is right.

Q. To give testimony? A. Yes.

Q. And in response to that letter you replied stating the substance of the testimony which you have now given, is that correct? A. Yes.

Mr. Young: That is all.

Recross-Examination

By Mr. Erickson:

Q. Did you know any other member of Mr. Ricketts' family besides himself?

A. I met his wife.

Q. Did you ever meet his father and mother?

A. No.

Q. Did he have any brothers and sisters?

A. He had a brother in the Air Force, I believe, I met him at the C. P. R. Depot.

Q. Was he in the Canadian Air Force?

A. Yes, he was.

Q. Do you know whether or not he was a citizen of the United States or Canada?

Mr. Young: I am going to object to that question. [120]

The Court: I think it is improper cross-examination, and will be sustained.

Q. Was he older than William Wade Ricketts or younger or do you know?

(Deposition of John Blair Lowrie.)

Mr. Young: I am going to object to that also.

The Court: Both of them will be stricken.

Q. If he was in the Air Force he would be probably younger, would he not?

Mr. Young: That is likewise immaterial, and I will object to it.

The Court: Objection sustained.

Q. You say that he never discussed any member of his family with you? A. No.

Mr. Erickson: I think that is all.

Mr. Young: Will you stipulate that the signature of Mr. Lowrie may be waived, we do not need to wait for that.

Mr. Erickson: Yes, I will stipulate that the signature of Mr. Lowrie may be waived and I think I also should probably stipulate in each deposition that the objections may be made at the time of trial, to each interrogatory.

Mr. Young: Except as to the form of question.

Mr. Erickson: Except as to the form of question.

Mr. Young: And it is stipulated between counsel representing the respective parties that the depositions herein taken of the witness herein may be mailed by the Notary Public taking it, directly to A. A. LaFramboise, Clerk of the United States District Court, Eastern District of Washington, Spokane, Washington.

(Deposition of John Blair Lowrie.)

(Title of the Cause)

Province of Alberta,
City of Calgary.

I Hereby Certify that on the 16th day of October, A.D. 1945, before me, a Notary Public in and for the Province of Alberta, at my office at 227a 8th Avenue West, in the City of Calgary, Province of Alberta, Dominion of Canada, personally appeared pursuant to the stipulation and annexed Letters Rogatory, a witness John Blair Lowrie, a witness named in the Letters Rogatory. George W. Young, Esq., appeared for the Plaintiff and Harvey Erickson, Esq., appeared for the Defendant, and the said John Blair Lowrie, being by me first duly cautioned and sworn to testify the whole truth, and being carefully examined, deposed and said as in the foregoing annexed deposition set out.

I Further Certify that the said deposition was begun on the 16th day of October, A.D. 1945, and was [122] completed on the said day.

I Further Certify that the said deposition was then reduced to typewriting by Harvey E. Cutler, Esq., an Official Court Reporter, who was first sworn by me in the foregoing oath; and that the same has been retained by me for the purpose of sealing up and directing the same to the Clerk of the Court as required by law.

I Further Certify that I am not of Counsel or Attorney to either of the parties, nor am I interested in the event of the cause.

(Deposition of John Blair Lowrie.)

I Further Certify that the fee for taking said deposition has been paid to me by the Plaintiff and that the same is just and reasonable.

Witnesseth my hand and official seal at the City of Calgary, in the Province of Alberta, Dominion of Canada, this 17th day of October, A.D. 1945.

[Notary Seal] /s/ WARD H. PATTERSON,
Notary Public.

CERTIFICATE OF REPORTER

I, Harvey E. Cutler, Official Court Reporter, of the City of Calgary, Province of Alberta, Dominion of Canada, do hereby certify that I am the reporter referred to in the certificate immediately above; that I was sworn under the oath set forth in the certificate herein above; that I did attend and take the deposition of the witness [123] John Blair Lowrie, which deposition was taken after the witness was first cautioned and sworn on oath to tell the truth, the whole truth and nothing but the truth, in the above entitled cause; that I took his testimony as it was given in answer to oral interrogatories propounded to him, in shorthand and reduced the same to typewriting as appears herein.

Dated at the City of Calgary, in the Province of Alberta, this 17th day of October, A.D. 1945.

/s/ H. E. CUTLER,
Official Court Reporter.

(Short recess.)

(All parties present as before, and the trial was resumed.)

Mr. Young: I desire to offer the deposition of Forrest Dale Campbell, taken pursuant to Letters Rogatory.

(Title of the Cause)

Letters Rogatory

Evidence of Forrest Dale Campbell, Esq., a witness on behalf of the Plaintiff, taken before Herbert J. Maber, Esq., Commissioner, at his office, in the Town of Vulcan, in the Province of Alberta, Dominion of Canada, at the hour of 4:30 p.m. on the 17th day of October, A.D. 1945. [124]

Present:

George W. Young, Esq., Attorney for the Plaintiff.

Harvey Erickson, Esq., Assistant United States District Attorney, Attorney for the Defendant.

Myrtle Carlson, Stenographer.

Be It Remembered that on this 17th day of October, A.D. 1945, at the Town of Vulcan, in the Province of Alberta, Dominion of Canada, personally appeared before me, Herbert J. Maber, Barrister at Law and a Notary Public in and for the Province of Alberta, residing at Vulcan, Forrest Dale Campbell, of Vulcan, aforesaid, a witness for and on behalf of the Plaintiff. He was duly sworn by me to tell the truth, the whole truth and nothing but the truth. The Plaintiff was represented by his attorney, George W. Young, Esq., the defendant was rep-

resented by Harvey Erickson, Esq., Assistant United States District Attorney, Attorney for the Defendant. That said witness gave testimony in the above entitled cause pursuant to the attached Letters Rogatory and stipulation under which said Letters were issued, as follows:

FORREST DALE CAMPBELL

a witness called on behalf of the Plaintiff in the action, having been first duly sworn; [125] examined by Mr. Young, testified as follows:

Direct Examination

By Mr. Young:

Q. State your name.

A. Forrest Dale Campbell.

Q. Are you also known as F. D. Campbell?

A. Yes.

Q. And so far as you know are you the only F. D. Campbell in Vulcan, Alberta?

A. Yes, I am the only one I know of.

Q. How old are you? A. 49.

Q. Are you a married man? A. Yes.

Q. How long have you lived at Vulcan?

A. 37 years.

Q. Do you know William Wade Ricketts, the Plaintiff in this case? A. Yes.

Q. When did you first become acquainted with William Wade Ricketts?

A. About 1928 or 1929, as far as I can remember.

(Deposition of Forrest Dale Campbell.)

Q. What was the circumstances of your becoming acquainted with him?

A. He come in there from Saskatchewan to work on a farm, a [126] neighbor to me.

Q. Did you see him from time to time following your first acquaintance?

A. I saw him every week or so, yes.

Q. Over what period of time?

A. Oh, for four or five years he was around there.

Q. Did you have occasion to discuss with him his citizenship? You can answer that yes or no.

A. Yes. We talked about it one time. He said he was an American citizen, born in the States. He said he was born in the States.

Q. State whether or not William Wade Ricketts claimed to be a citizen of the United States during all the time that you have known him.

A. Yes, all the time I knew him he claimed to be a citizen of the United States.

Q. State whether or not during the time that you have known him, he participated in any Provincial or Municipal politics peculiar to the Province of Alberta? A. No, nothing at all.

Q. How frequently since you first met him have you seen him or had occasion to converse with him, just give me the conversations generally.

A. I knew him and was talking to him quite frequently over four or five years, and then last fall I saw him in [127] Calgary for just a few minutes.

Q. What, if anything, did he say to you about his citizenship, or claim of citizenship last fall when you saw him in Calgary?

(Deposition of Forrest Dale Campbell.)

A. He never mentioned it at all.

Q. When was the first time that you knew that you were to be a witness in his behalf, or would be asked any questions concerning his citizenship?

A. I do not know just—last winter I believe, some time in the winter.

Q. How did that come to you?

A. I got a form to fill out and send down, but I do not know just when it was. I did not pay much attention to it.

Q. Was it a form contained in a letter written from my office? A. Yes.

Mr. Young: You may inquire.

Cross-Examination

By Mr. Harvey Erickson:

Q. Did you say that you discussed the citizenship with him once when he came from Saskatchewan?

A. Oh, as far as I know. I never paid much attention to it, just once so far as I know.

Q. Were you and he there alone when you had this discussion with him, or were others present?

A. I was alone as far as I remember.

Q. Do you remember where that was?

A. Yes.

Q. Where was it?

A. M. A. Jansen, where he worked.

Q. And how did that discussion come up, did you bring it up or did he voluntarily bring it up?

(Deposition of Forrest Dale Campbell.)

A. Well, I cannot say about that, that has been a long while ago.

Q. Did he say that he was a citizen of the United States or that he was born in the United States?

A. He claimed to be a citizen of the United States, born there.

Q. Did he ever tell you that he voted in Saskatchewan? A. Never.

Q. Did he ever tell you that he held any School District Office in Saskatchewan? A. No.

Q. Did he ever tell you anything about the citizenship of his father and mother?

A. Yes, he said that his dad was born in the States.

Q. Did he say anything about his father being an American citizen?

A. He said he was an American citizen as far as I can remember. [129]

Q. Did he ever say that his father was naturalized in Canada? A. No, not to me.

Q. Did he ever say anything about his mother coming to Canada, or being naturalized in Canada?

A. No, he never mentioned his mother to me.

Q. Did he ever say anything about any brothers or sisters? A. No.

Q. Did he ever discuss Canadian politics with you? A. No, he never did.

Q. Did he ever discuss politics of the United States?

A. No, he never done that either.

Q. Did he tell you that he intended to live in

(Deposition of Forrest Dale Campbell.)

Canada, or that he intended to go back to the United States? A. Never said.

Q. Did he ever tell you about any trouble that he had with the Immigration authorities?

A. No.

Q. Well, did he ever say anything to you as to when he intended to go back across the border?

A. No, he never did.

Q. Did he ever tell you how he happened to be in Canada in 1928 or 1929?

A. No, he never did.

Q. He was over 21 years of age at that time, was he not? A. Oh, yes. [130]

Q. Did he tell you that he had been back to the United States since he came to Canada?

A. No, not before that.

Q. Did he ever tell you how old he was when he came to Canada? A. No.

Q. Did he ever tell you that he thought business perhaps was better in the United States than in Canada?

A. No, I do not think that he ever did.

Q. Did he give any reason to you for wanting to claim an American citizenship? A. No.

Mr. Erickson: I believe that is all.

[Notary Seal]

/s/ HERBERT J. MABER,

The Commissioner.

(Deposition of Forrest Dale Campbell.)

(Title of Cause.)

Province of Alberta—

I Hereby Certify that on the 17th day of October, A.D. 1945, before me, Herbert J. Maber, Barrister at Law and a Notary Public in and for the Province of Alberta, at my office in the Town of Vulcan, in the Province of Alberta, Dominion of Canada, personally appeared pursuant to the stipulation and annexed Letters Rogatory, Forrest Dale Campbell, a witness named in the Letters Rogatory. George W. Young, Esq., appeared for [131] the Plaintiff and Harvey Erickson, Esq., appeared for the Defendant, and the said Forrest Dale Campbell, being by me first duly sworn to testify the whole truth and nothing but the truth, and being carefully examined, deposed and said as in the foregoing annexed deposition set out.

I Further Certify that the said deposition was begun on the 17th day of October, A.D. 1945, and was completed on the said day.

It Was Agreed between the attorneys that the signature of Mr. Forrest Dale Campbell to his deposition be waived, and stipulated that objections to each deposition be made at the time of trial, except as to the form of question,

And It Was further stipulated between counsel representing the respective parties that the depositions herein taken of the witness be mailed by the Commissioner directly to A. A. LaFramboise,

(Deposition of Forrest Dale Campbell.)

Clerk of the United States District Court, Eastern District of Washington, Spokane, Washington.

I Further Certify that the said deposition was then reduced to typewriting by Myrtle Carlson, the Stenographer, appointed by me, and that the same has been retained by me for the purpose of sealing up and directing the same to the Clerk of the Court as required by [132] law.

I Further Certify that I am not of Counsel or Attorney to either of the parties, nor am I interested in the event of the cause.

I Further Certify that the fee for taking said deposition has been paid to me by the Plaintiff and that the same is just and reasonable.

Witnesseth my hand and official seal at the Town of Vulcan, in the Province of Alberta, Dominion of Canada, this 17th day of October, A.D. 1945.

[Notary Seal] /s/ HERBERT J. MABER,
Commissioner.

CERTIFICATE OF STENOGRAPHER

I, Myrtle Carlson, of the Town of Vulcan, in the Province of Alberta, Dominion of Canada, Stenographer, do hereby make oath and certify that I am the Stenographer referred to in the Certificate immediately above; that I did attend and truly take the deposition of the witness, Forrest Dale Campbell, which deposition was taken after the witness was sworn on oath to tell the truth, the whole truth

and nothing but the truth, in the above-entitled cause; that I truly took his testimony as it was given in answer to oral interrogatories propounded to him, in shorthand and reduced the same to type-writing as appears herein. [133]

Dated at the Town of Vulcan, in the Province of Alberta, this 17th day of October, A.D. 1945.

/s/ MYRTLE CARLSON.

(Sworn and Certified at Vulcan, in the Province of Alberta, this 17th day of October, A.D. 1945.)

Before me

[Notary Seal] /s/ HERBERT J. MABER,

A Notary Public in and
for Alberta.

Mr. Young: I have just one question or two that I want to ask my client that might properly have been asked in the case in chief.

The Court: You may put him back on again for further direct examination.

WILLIAM WADE RICKETTS

the plaintiff, recalled as a witness in his own behalf, resumed the stand and testified further as follows:

Direct Examination

By Mr. Young:

Q. Now, the last time that you came back into the country I believe you testified was in 1939?

A. 1939.

(Testimony of William Wade Ricketts.)

Q. And you established a restaurant business up in the Empire Hotel in Spokane?

A. Not at that time. I was at Metaline Falls at first. [134]

Q. Well, following that time you returned to Canada? A. Yes.

Q. Now, I would like to have in the record very definitely what actuated your return to Canada following 1939.

A. I returned to Canada in 1944 under the direction of the Immigration Service.

Q. What member of the Immigration Service requested you or told you to go back to Canada?

A. Inspector Sullivan and Walter.

Q. What was your purpose in going back?

A. To return to Canada and apply for regular visa to enter the United States for the purpose of establishing permanent citizenship.

Q. What, if anything, was said to you as to what would happen if you did not go back?

A. I was given the impression that I would be prosecuted.

Q. Not the impression; what was said?

A. I was told I would be prosecuted.

Q. What was said about any possible penalty?

A. I was warned that I could be subject to two years in the penitentiary.

Q. So with that in mind you went back up, is that correct? A. That's true.

Q. Then when did you return?

(Testimony of William Wade Ricketts.)

A. I returned to the United States I think it was the 1st [135] of September, 1944.

Q. First of September, 1944?

A. The 1st day of October, 1944.

Q. The first day of October, 1944. Now, state whether or not you maintained your business here during the time that you were up in Canada?

A. I held my business, but it was closed up for a period of five months.

Q. And what did you do in Canada when you were up there?

A. Well, I lived at the hotel in Calgary, and all this time I was endeavoring to secure a visa and the necessary papers to re-enter the States with the consent of the Immigration Board.

Q. What actuated your return to the United States?

A. I could not get the necessary papers, they wouldn't cooperate with me, and I decided to return.

Q. And you have remained ever since?

A. Yes.

Q. And following that did you commence this action for declaratory judgment?

A. That is true.

Q. Did you exhaust the procedures open to you through the Immigration Service by an appeal?

A. Beg pardon?

Q. Did you exhaust the services that were available to you [136] with the Immigration Service, take an appeal, in other words, to Philadelphia?

(Testimony of William Wade Ricketts.)

A. Yes, I did.

Q. And you received an adverse ruling, then, from the Immigration Department on the appeal?

A. That's true.

Q. And then you commenced this action?

A. Yes.

Mr. Young: I think that makes the record.

The Court: Were all the exhibits admitted?

Q. Calling your attention to Exhibit B for identification, I will ask you what it is.

A. That is a photostatic copy of a statement made by me to Mr. Cull, an insurance agent. That's a list of the questions he asked me. He wrote them down. I sat at his elbow and answered the questions as the answers appear here, and signed it with my signature.

Q. At the time and place mentioned in the exhibit?

A. That's true.

Mr. Young: I will offer Exhibit B in evidence.

The Court: What is the date of that, Mr. Young?

Mr. Young: Dated at Spokane, Washington, 28th day of April, 1944.

Mr. Erickson: When was this action commenced?

The Court: I have the filing mark here on the [137] petition. It is dated February 21, 1945.

Mr. Young: That would antedate the commencement of this action. It would be at or around the time he was having his difficulty with the Immigration Service.

Mr. Erickson: Where is the answer about citizenship?

(Testimony of William Wade Ricketts.)

Mr. Young: I don't see anything in this form other than the fact that he was born at Hydro, Oklahoma, February, 1902, 42 years of age; there doesn't seem to be anything about citizenship in this exhibit.

Mr. Erickson: Then it is immaterial.

Mr. Young: I think I will withdraw it. I was informed to the contrary, but upon reading it, I don't see anything about citizenship.

Cross-Examination

By Mr. Erickson:

Q. There are a couple of questions I forgot to ask on cross-examination this morning. I wanted to ask if you had your Canadian passport visa here that you applied for? A. Mr. Young has it.

Q. Do you object to us looking at it?

A. Not at all.

Mr. Young: I don't intend to offer it. There are some conclusions on it that I wouldn't care to offer.

Mr. Erickson: At this time I would like to request to look at it. [138]

Mr. Young: I don't know what the situation is; I have some information in my pocket——

The Court: Well, I don't believe you can be compelled to produce it unless there's been some notice given or something of that sort.

Mr. Erickson: Well, the first time I knew about it was this morning. I would like to serve an oral notice to produce it in the morning so I can inspect it.

Mr. Young: The circumstances are this, your

(Testimony of William Wade Ricketts.)

Honor. I was conferring with my client; he gave me the passport. I have examined it. I don't believe it would be particularly helpful to his case, nor fatal, but I don't care to produce it in view of the fact that there are some serious matters that may follow.

The Court: If you want to urge that, Mr. Erickson, I will hear you tomorrow when we convene court.

Mr. Erickson: Yes, I would like to urge it in the morning.

Mr. Young: If under the rule it is required, I will produce it at this time.

The Court: I direct your attention to Rule 34 here in the rules, that seems to have some bearing on it, and then we can take it up when court convenes in the morning. I don't want to pass snap judgment on it at this time, and it may be understood, I think, that you [139] have the right to interrogate regarding that if you wish.

Cross-Examination

(Continued)

Q. There's another question about another matter that I would like to ask, that I forgot to ask this morning. Did you, Mr. Ricketts, after you became twenty-one years of age in Canada, at any time go to any American consul or American Immigration officer or representative in Canada and declare your intention to become an American citizen?

(Testimony of William Wade Ricketts.)

that time, that is, the United States at that time was not at war. That seemed to be the situation of the statutes with respect to expatriation, except, of course, in desertion, the Civil War statutes on desertion from the Army, and the taking of allegiance to another foreign state. Those were grounds for the loss of citizenship. Aside from those, until Section 801 was adopted, the code under which we are now operating, those were the only ways of expatriation, desertion from the Army, taking the oath of allegiance, or becoming naturalized. That is the group of statutes that 801 is derived from.

The Court: I think that is perhaps true. I haven't been able to find the prior statute, as I said [142] some time ago, but I think we have at least some decisions that have held construing the prior law, or at least decisions handed down at the time the prior law was in effect, before this amendment of 1940, that in a situation such as we have here, where a person is born in the United States either of citizens or residents, then during the minority of that person the parents take the child to a foreign country and then the parents either renounce their American citizenship or become naturalized in a foreign country, that then the minor, unless he elects within a reasonable time after reaching majority to adopt American citizenship or retain American citizenship, I should say, because he hasn't lost it, and evidences an intention to take up permanent residence in the United States and assume the duties of citizenship, that he would

(Testimony of William Wade Ricketts.)

be deemed to have renounced his American citizenship, and be expatriated. That is clearly the holding in *Perkins vs. Elg*.

Mr. Young: Wasn't that case decided, though, your Honor, subsequent to the adoption of Section 801?

Mr. Erickson: No, that was in 1939.

Mr. Young: I have read *Perkins vs. Elg*, and I must refresh my recollection as to what that case holds. Wasn't that the child of naturalized parents who went back to the country of their origin, and the election was [143] made before the youngster became twenty three, and she I think returned to this country?

The Court: No, the question of twenty three wasn't involved there, because the 1940 statute hadn't been enacted. The court held in that case that the girl, born in this country and then her parents returned to the native country and assumed the native citizenship, the Supreme Court said she had a reasonable time to make an election. The thing I am sure in that case the Court seemed to regard as material, the circumstances that this girl whose citizenship was in question, Miss Elg, had gone to the American consul in a foreign state, made inquiry, and announced her intention of resuming American citizenship. That was before she was twenty one. Under that decision it might be material to make this inquiry, not because he had any obligation under the statute, or that there was any requirement, but it might have some bearing

(Testimony of William Wade Ricketts.)

on his subsequent conduct and his intentions. With that in mind I will overrule the objection.

Mr. Young: Do you understand what the question is before you?

(Whereupon, the reporter read the last previous question, as follows: "Did you, Mr. Ricketts, after you became twenty one years of age in Canada, at any time go to any American consul or American Immigration officer or representative in Canada and declare your intention to become an American citizen?")

Cross-Examination

(Continued)

A. Yes.

Q. When and where did that take place?

A. When I crossed the border in 1925 I discussed this problem with Inspector Kelly of your service.

Q. That was in the United States?

A. That was at the United States border.

Q. Inspector Kelly was an Immigration Inspector of the service here? A. Yes.

Q. That was in the United States that you made that declaration? A. Yes.

Q. Where?

A. It was at the border line crossing the Canadian border into the United States.

Q. Well, at what town?

A. Port of Entry, Eastport, Idaho.

Q. What declaration did you make to him?

A. I asked him to declare on my citizenship that

(Testimony of William Wade Ricketts.)

I was crossing the border, and we discussed the question of citizenship. I told him I thought I was an American, and he assured me I was, at that time. [145]

Q. That is the only declaration you made?

A. That is the only one I made, yes.

Q. And that was all oral, and not in writing?

A. No, that was all oral. He assured me I would have no difficulty.

Mr. Young: I didn't get that last.

A. It was all an oral question and answer proposition, and Inspector Kelly assured me I would have no difficulty of retaining my American citizenship.

Mr. Erickson: That's all.

Mr. Young: That's all.

Mr. Erickson: With the exception of that matter I will take up in the morning.

(Whereupon, there being no further questions, the witness was excused.)

Mr. Young: At this time we rest.

The Court: I think in view of the fact that the documents with reference to the Canadian visa or passport or whatever it is would probably come in as part of the cross examination of Mr. Ricketts, I think it would be best to adjourn at this time until tomorrow morning and take up this matter at that time.

(Whereupon, at 4:45 o'clock P.M., the court took an adjournment in this cause until October 1, 1946, at 10 o'clock a.m.)

Spokane, Washington, October 1, 1946
10:00 o'Clock A.M.

(All parties present as before, and the trial was resumed.)

The Court: All right, do you want to be heard on this motion?

Mr. Erickson: If it please the Court, at this time I desire to urge the motion which has just been served and filed upon counsel this morning. It developed during the progress of this trial yesterday that pursuant to Defendant's Exhibit 9, the letter addressed to Guy Walter, that a certain Canadian passport and visa were mentioned in that letter, and at this time I desire to urge that the plaintiff be required to produce that passport and visa, on the ground that it is material to the issues in this case. I want to say that prior to the contents of that letter being called to my attention, and prior to the testimony of the plaintiff on the stand, I did not know or have any knowledge that a Canadian passport and visa had been issued to the plaintiff. It now appears that such had been issued, and it is submitted that they are material. I know that Rule 34 provides that the motion must be timely made, but the cases cited under that rule hold that if the discovery or knowledge [147] is not in possession of the moving party until it is made, that it does not have to be made in advance of trial. It is only where the knowledge is with the party seeking production at some time prior to the trial, it is neces-

sary then to move in advance of trial, and I at this time would like to seriously urge that the defendant be required to produce those because of their materiality in this case. The defendant testified on the witness stand that he was recognized as a citizen of the United States in Canda, and the fact that he applied as a Canadian to obtain a Canadian passport and visa would serve to impeach the defendant upon that statement that he made in the trial of this case.

Mr. Young: In resisting the motion I wish to call attention to defendant's Exhibit 9, which was marked as having been received by the defendant on June 26, 1944. The exhibit is a letter written by my client, and the first paragraph is the only paragraph that is pertinent to this motion. It reads "Dear Sir: It was with great disappointment that I received the copy of letter sent to Mr. Allen of the American Consul at Calgary refusing me permission to re-apply for legal entry to the United States. I had departed quite willingly from the United States as your office had requested, came to Calgary, and at great expense and inconvenience had secured all the [148] necessary papers, documents, passport, etc., to properly obtain an immigration visa and Mr. Allen was prepared to issue same to me when your letter came."

Now, that information was in the hands of the defendant on the 26th of June, 1944, and that's the only information that they could have had concerning a passport except what may have been addi-

(Testimony of William Wade Ricketts.)

A. It was prepared, apparently, in the Immigration Office in Ottawa.

Q. Did you state the purpose for which you were requesting a passport? A. I did.

Q. And what purpose did you state, and to whom did you make the statement?

A. I made it in my letter to the Department of Immigration, my sole purpose to obtain a passport to obtain an American visa to re-enter the United States.

Q. State whether or not that was done in furtherance of your general effort to retain your, reclaim your citizenship?

A. That was done in furtherance of my effort to reclaim my citizenship.

Q. At whose suggestion was it initiated? I have in mind [151] now the local Immigration authorities.

A. Locally, it was Mr. Sullivan and Mr. Walter.

Q. And were you pursuing their suggested course of procedure?

A. I was pursuing their suggested course of procedure.

Mr. Young: I am going to object to the introduction of the passport on the ground that it contains conclusions contrary to the claimed state of citizenship. Further, the passport indicates that it was given and conditioned under the condition that a certain state of citizenship existed. That state, according to our contention, did not in fact exist.

The Court: I will admit it. A good deal has

(Testimony of William Wade Ricketts.)

been said in the testimony about this passport. Of course, it will be taken with the explanation of the plaintiff as he has explained some of these other documents.

(Whereupon, Defendant's Exhibit No. 10 for identification was admitted in evidence.)

DEFENDANT'S EXHIBIT 10

Passport—Canada

We, Alexander, Earl of Athlone, Knight of the Most Noble Order of the Garter, etc., Governor-General and Commander in Chief of Canada,

Request, in the name of His Britannic Majesty, all those whom it may concern to allow the bearer to pass freely without let or hindrance and to afford him or her every assistance and protection of which he or she may stand in need.

ATHLONE.

1. This passport contains 32 pages.

PASSPORT—CANADA

No. of passport, 370250.

Name of bearer, William Wade Ricketts.

Accompanied by his wife

(Maiden name)

and by children.

National status

British Subject by Naturalization,

Son of a British Subject by Naturalization

Canadian Local Certificate dated 31 December, 1914.

(Testimony of William Wade Ricketts.)

2. Description.

Profession, Cafe Operator and Cook.

Place and date of birth, Hydro, United States of America, 3 February 1902.

Residence, United States of America.

Height, 5 ft. 8½ in.

Colour of eyes, Grey.

Colour of hair, Brown.

Visible peculiarities, Split right index finger.

Wife ft. in.....

Children,

Name Date of Birth Sex

3. Photograph of Bearer.

(Photograph attached on this page.)

WILLIAM WADE RICKETTS.

Wife.....

4. Countries for which this passport is valid.

United States of America.

The validity of this passport expires: Sixteenth June, 1946, unless renewed.

Issued at Ottawa, Canada.

Date: The Department of External Affairs, Canada, June 16, 1944.

5. Renewals.

6. Observations.

7. Visas.

8.

“This passport is granted with the qualification that the holder is, within the limits of the Dominion

(Testimony of William Wade Ricketts.)

or Colony in which he was naturalized a British subject by naturalization, and that beyond the limits of that Dominion or Colony he can only receive as a matter of courtesy the general good offices and assistance of His Majesty's representatives abroad. This courtesy cannot be extended to the holder when within the limits of the foreign State of which he was a subject or citizen prior to his naturalization, unless he has ceased to be a subject or citizen of that State in contemplation of the laws thereof or in pursuance of a treaty to that effect."

9. Warning.

A person in possession of Canadian domicile does not relinquish same by leaving Canada for a temporary purpose. If contemplating a prolonged temporary absence, the bearer of this passport should within a year from the date of leaving Canada, make a Declaration of Intention to retain Canadian Domicile before a Canadian Diplomatic or Consular Officer, or in the absence of such Official, before a Diplomatic or Consular Officer of the United Kingdom, such Declaration may be made annually for a period of five years.

A British subject by naturalization must present his Certificate of Naturalization.

(Pages 10 to 32, inclusive, in blank.)

Cross Examination

(Continued)

By Mr. Erickson:

Q. You did apply for that passport in writing?

A. I did.

(Testimony of William Wade Ricketts.)

Q. And you stated in your application that you were a British subject? A. I did not.

Q. When you got the passport?

A. I did not. [152]

Q. What citizenship did you state when you applied for the passport?

A. My citizenship was not stated at all.

Mr. Erickson: That's all.

(Whereupon, there being no further questions, the witness was excused.)

Mr. Young: In view of the seriousness that might follow an adverse decision in this case, I don't wish to mislead counsel. It has been said here that the senior Ricketts became a naturalized citizen. In my opinion those statements are mere conclusions, and I wish to require and put counsel for the government on notice that I require strict proof of such citizenship of senior, Siegel Ricketts.

Mr. Erickson: Well, before I start with any testimony, then, I will have this marked.

(Whereupon, copy of certificate of naturalization of Siegel E. Ricketts was marked Defendant's Exhibit No. 11 for identification.)

Mr. Young: I am going to make objection. The document is incompetent, irrelevant and immaterial.

Mr. Erickson: The defendant's identification 11 purports to be a certificate of naturalization of one Siegel E. Ricketts. It is submitted that the same is admissible under the certification act of public documents, [153] without further identification.

The Court: I believe there is testimony here that this plaintiff's father's name was Siegel E. Ricketts, and that he came from Hydro, Oklahoma?

Mr. Erickson: Yes.

The Court: It will be admitted.

(Whereupon, Defendant's Exhibit No. 11 for identification was admitted in evidence.)

DEFENDANT'S EXHIBIT 11

Dominion of Canada,
City of Ottawa,
Embassy of the
United States of America.

I, Girvan Teall, Vice Consul of the United States of America at Ottawa, Canada, duly commissioned and qualified, do hereby certify that the signature of E. H. Coleman on the document hereto annexed is his true and genuine signature, and that he was on the day of signing said document Under-Secretary of State of Canada; that the seal affixed to said document is his seal of office and that full faith and credence are due and ought to be given to such signature and seal.

In Witness Whereof, I have hereunto set my hand and affixed the seal of my office this 17th day of May, 1946.

Seal American Consular Service

GIRVAN TEALL,

Vice Consul of the United States of America,
Ottawa, Canada.

Service No. 355. No fee prescribed.

Department of the Secretary of State of Canada
Naturalization Branch
Ottawa, May 17, 1946.

I hereby certify the within to be a true and faithful copy of the original Certificate of Naturalization of Seigel E. Ricketts as filed of record in this office.

E. H. COLEMAN,
Under-Secretary of State.
Seal Secretary of State of Canada

The Naturalization Act
Certificate of Naturalisation

Dominion of Canada,
Province of Saskatchewan.

In the District Court of the Judicial District
of Battleford

Before His Honour Jas. F. MacLean, the Judge of
said Court, sitting in Chambers:

Whereas Seigel E. Ricketts, formerly of Hydro, State of Oklahoma, one of the United States of America, now of Mullingar in the Province of Saskatchewan, farmer, has complied with the several requirements of the Naturalisation Act, and has duly resided in Canada for the period of three years. And whereas the certificate granted to the said Seigel E. Ricketts under the fifteenth section of the said Act has been duly presented to the said Judge sitting in Chambers in the said Judicial District and whereas a copy of such certificate has been duly

posted up in a conspicuous place in the office of the clerk of the said Court and the said Judge has directed the issue of a Certificate of Naturalisation to the said Seigel E. Ricketts,

This is therefore to certify to all whom it may concern that, under and by virtue of the said Act Seigel E. Ricketts has become naturalised as a British subject, and is, within Canada, entitled to all political and other rights, powers and privileges and subject to all obligations to which a natural born British subject is entitled or subject within Canada with this qualification, that he shall not when within the limits of the foreign State of which he was a citizen previous to the date hereof, be deemed to be a British subject unless he has ceased to be a citizens of that State, in pursuance of the laws thereof, or in pursuance of a treaty or convention to that effect.

Given under the seal of the said Court this thirty-first day of December, one thousand nine hundred and fourteen.

H. R. SKELTON,

Clerk of the District Court.

L. S. This is a true copy of the Certificate granted to the above-named person.

H. R. SKELTON,

Clerk. [243]

L. J. BRUNNER

called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

Direct Examination

By Mr. Erickson:

Q. Will you state your name, please?

A. Leonard J. Brunner.

Q. And where do you reside, Mr. Brunner?

A. Oroville, Washington.

Q. And what is your business?

A. Immigrant Inspector in charge of the United States Immigration Office at Oroville, Washington.

Q. You have been employed for a number of years by the Immigration Service?

A. Yes, sir.

Q. How long have you been stationed at Oroville? A. Twelve years and six months.

Q. Are you acquainted with William Wade Ricketts, the plaintiff [154] in this case?

A. Yes, sir.

Q. I will hand you defendant's Exhibits 3 and 4, purporting to be a manifest dated September 6, 1936, and record of alien admitted September 6, 1936, and ask you if you are acquainted with those two documents? A. I am.

Q. Were they prepared or not prepared in your presence?

A. They were made out by myself, personally.

Q. Mr. Brunner, what were the circumstances connected with the preparation of those exhibits 3

(Testimony of L. J. Brunner.)

and 4, as to whether or not they were prepared with the voluntary cooperation of the plaintiff or not?

A. They were.

Q. Will you explain the circumstances under which they were prepared?

A. This, I think it is number 3, manifest card, is made right on the counter in the presence of the applicant, and the questions as written on this card are asked him, and as he answers them they are recorded on this card chronologically, and after the completion of the card the card is handed to him and turned over and he is allowed to inspect it if he cares to, but his answers are written in his plain vision rights across the counter, and he signs the card. [155]

Q. Are the questions asked by yourself and the answers put down by yourself?

A. Yes, sir, right in his presence.

Q. With regard to the record of alien admitted, how is that prepared?

A. That is prepared immediately after this form is prepared. This is our office file copy, that remains in the office. This form is made in duplicate and the white copy is given to the person at the time of admission. The yellow copy is kept in our file, and upon the return of the alien to Canada, on the surrender of the white copy, it is returned to us and attached to this, and returned to our file, attached to the duplicate copy.

Q. Do you remember a conversation you had

(Testimony of L. J. Brunner.)

with Mr. Ricketts about the preparation of those forms?

A. Well, very little at that time; I remember that when he was on the stage at that time, when he arrived, and when I asked him where he was born, he said "Hydro, Oklahoma," and invariably the next question is "A citizen of what country?" which is practically the next question followed.

Mr. Young: I am going to object to the usual procedure. If the witness is testifying to what he actually did in this case that is one thing.

The Court: I'll sustain the objection. The question, I think, is what happened in this particular transaction, as nearly as you can remember it.

A. I see. I asked Mr. Ricketts "A citizen of what country?". He said "Canada." I said "By what right do you claim to be a citizen of Canada?". He said "Through my father's naturalization." I said "When was he naturalized in Canada?". He said "1913 or 1914." Immediately I turned the card and the notation "Father naturalized in Battle Ford, Saskatchewan, in 1913 or 1914" written in my own handwriting at the same time.

Mr. Erickson: That's all.

Cross-Examination

By Mr. Young:

Q. About how many transactions a year do you handle of this nature?

A. Well, sir, we handle in the neighborhood of maybe three or four thousand in a year at the present time. At that time it was not so numerous.

(Testimony of L. J. Brunner.)

Q. Well, about how many do you think you were handling at that time?

A. Our office handled about five hundred.

Q. This card is dated September 6, 1936, just exactly ten years ago, a little more than ten years ago. How many thousand transactions of this nature do you suppose you have handled during the ten years' time, the past ten years?

A. That's pretty hard to say right off hand. I imagine I personally handled about between two and three thousand. [157]

Q. You had no personal acquaintance with Mr. Ricketts prior to this transaction?

A. Prior to that? No, sir.

Q. The fact is that what you are testifying to here is that you believe you followed the usual procedure in the Ricketts case, of asking the questions and putting down the answers, isn't that true, rather than recollecting independently this particular conversation after an elapse of ten years?

A. No, sir.

Q. You believe that you recall the particular conversation which you had with Mr. Ricketts on that occasion?

A. Quite a lot of it, yes, sir.

Q. Quite a lot of it?

A. Quite a lot of it, yes, sir.

Mr. Young: That's all.

(Testimony of L. J. Brunner.)

Redirect Examination

By Mr. Erickson:

Q. It is your handwriting on the entire card, is it not? A. Yes, sir, on both exhibits.

Mr. Erickson: That's all.

(Whereupon, there being no further questions, the witness was excused.)

GUY H. WALTER

called as a witness on behalf of the defendant, being first duly sworn, testified as follows: [158]

Direct Examination

By Mr. Erickson:

Q. Will you state your name, please?

A. Guy H. Walter.

Q. And what is your business, Mr. Walter?

A. Inspector, Immigration and Naturalization Service.

Q. And you have been inspector for some years?

A. Over twenty years.

Q. You are presently situated in Spokane?

A. That's right.

Q. Are you acquainted with the defendant, or rather, plaintiff in this case, William Wade Ricketts? A. I am.

Q. Are you acquainted with Immigration Form Number I-55, a General Information Form?

A. Yes.

(Testimony of Guy H. Walter.)

Q. Do you remember having any conversation with William Wade Ricketts about such a form, filling out such a form?

A. I do not remember specifically having any conversation.

Q. State whether or not you gave Mr. Ricketts a specific instruction to fill out that form?

Mr. Young: I believe in view of the witness' statement he did not remember anything about it, he could not testify that he gave specific instructions. I therefore object to him answering that question.

The Court: Read the prior question and answer.

(Whereupon, the reporter read the last previous question and answer.)

Mr. Erickson: Then I will withdraw the question. If he didn't have any conversation he couldn't answer.

Direct Examination

(Continued)

Q. Well, do you recall anything at this time about that form and Mr. Ricketts?

A. I could only state in a general way what conversation that I have in connection with the filing of this form in the usual case of this nature.

Mr. Young: Well, I am going to object to that, because this is what was said and done in this case.

The Court: Yes, I think I will have to sustain the objection to the practice.

Mr. Erickson: That's all, then, at this time, Mr. Walter.

Mr. Young: No questions.

(Whereupon, there being no further questions, the witness was excused.)

CARL E. JOHNSTON

called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

Direct Examination

By Mr. Erickson:

Q. Will you state your name, please?

A. Carl E. Johnston. [160]

Q. What is your business?

A. Immigrant Inspector.

Q. Were you such on or about October 26, 1937?

A. No, sir.

Q. What were you at that time?

A. A stenographer.

Q. Directing your attention to a hearing that took place at Vancouver, British Columbia, on October 26, 1937, were you present at that hearing?

A. Yes, sir.

Q. And that hearing was in regard to William Wade Ricketts? A. Yes, sir.

Q. The plaintiff in this case?

A. Yes, sir.

Q. And what function did you have at that hearing?

A. I was the secretary of the Board of Special Inquiry.

(Testimony of Carl E. Johnston.)

Q. And as such, was Mr. Ricketts placed under oath at that hearing? A. No, sir.

Q. I beg pardon? A. No, sir.

Q. What proceedings took place at that hearing?

A. He was excluded from admission to the United States.

Q. Well, what was the nature of the hearing? Did he have a hearing, or not? [161]

A. Yes, he had a hearing.

Q. What kind of a hearing did he have?

Mr. Young: I am going to object to the witness interpreting the kind of hearing he had. Apparently there was a record made.

The Court: I think what counsel is asking you, what was done, what procedure did you follow?

A. The plaintiff was an applicant for admission to the United States. He was placed before a Board of Special Inquiry to determine his admissibility.

Q. And was his testimony taken at that time?

A. Yes, it was.

Q. And did you take his testimony?

A. Yes, sir.

(Whereupon, record of Board of Special Inquiry, October 26, 1937, was marked Defendant's Exhibit No. 12 for identification.)

Mr. Young: I assume that the witness will say that this is something that he prepared?

Mr. Erickson: Yes.

(Testimony of Carl E. Johnston.)

Cross-Examination

By Mr. Young:

Q. Now, Mr. Johnston, there appears some data at the top of this exhibit, before the questions and answers. Where did you receive that information?

A. That information is a transcript of a manifest form, similar [162] to the previous exhibit.

Q. I see; and then you put that on in a part of the form? A. Yes, sir.

Q. Then the applicant was questioned by Inspector Illman? A. Correct.

Q. Who was the chairman of this Board of Inquiry; he wasn't put under oath, is that correct?

A. No, sir.

Q. And you made this record, and I suppose you had some shorthand notes? A. Yes, sir.

Q. And then on the basis of your shorthand notes you made this record? A. Yes, sir.

Q. Which purports to be questions and answers. Was this ever submitted to Mr. Ricketts for his signature, or for his examination, for the purpose of checking upon the accuracy or lack of accuracy of your report, so far as you know?

A. Not at the time.

Q. Do you think it ever was submitted to him?

A. Not to my knowledge.

Q. As a matter of general procedure, this record is made for the purposes of the Immigration Bureau, is that correct, or what is the technical name of your department? [163]

(Testimony of Carl E. Johnston.)

A. Immigration Service. Yes.

Q. Now, this procedure. Inspector Brakke: "I move that the applicant be refused admission to the United States as an immigrant alien" and so forth; Carl Johnston: "I second the motion"; Inspector Illman: "Unanimous." Did that take place in the presence of Mr. Ricketts? A. Yes, sir.

Q. And you, the clerk, seconded the motion?

A. Correct.

Q. You took down the notes and then you seconded the motion? A. Yes.

Q. And became, in a way, an adverse party against his admission to the United States, is that correct? A. Yes, sir.

Mr. Young: I am going to object to this exhibit. It appears that it is a narration of an informal hearing before a board which is a part of the Immigration Service. The questions and answers with respect to Canadian citizenship is but a mere conclusion. It does not appear that the plaintiff was given an opportunity to check the answers, or anything of that sort. He was never submitted the document. The witness could testify concerning what took place, but I think to offer that exhibit as being a record and as being some testimony that would be binding upon my client I think would be highly improper and prejudicial. [164]

Mr. Erickson: Well, if he testified in court orally to the same thing you say you would have no objection then?

Mr. Young: I am objecting, yes.

(Testimony of Carl E. Johnston.)

The Court: I think most of the matters to which counsel refer go to the weight of it rather than admissibility. Did you make an accurate record of what was done there, in questions and answers?

A. Yes, sir, verbatim testimony.

The Court: It will be admitted.

(Whereupon, Defendant's Exhibit No. 12 for identification was admitted in evidence.)

DEFENDANT'S EXHIBIT No. 12

Form 611—U. S. Department of Labor, Immigration and Naturalization Service.

Names of Aliens—William Wade Ricketts.

Record of Hearing before a Board of Special Inquiry, held at Vancouver, B. C.

Date: October 26, 1937.

Present: Insp. Alpheus M. Illman, Chairman. Earl F. Brakke, Member. Clerk Carl E. Johnston, Member & Sec. Int.

B.S.I. No. 13710/134.

Arrived (date and manner):

Held by: Robottom Cause:

Manifest Data:

Ricketts, William Wade, 35m; single; restaurant owner; literate; Citizen of Canada, born Hydro, Oklahoma; Scotch race; last permanent residence, Kamloops, B. C.; has father, Seidle Ricketts, Bellingar, Saskatchewan; resided in

(Testimony of Carl E. Johnston.)

U. S., from birth to 1910, and June 14th to October 24, 1937; destined to Antlers Grill, Twisp, Washington, to reside permanently, or 30 to 60 days; never arrested and deported, or excluded from admission; height, 5'8½"; dark brown hair; blue eyes.

Applicant present, questioned by Inspector Illman, Chairman.

Q. State your full name, please?

A. William Wade Ricketts.

Q. Have you ever used any other name?

A. No.

Q. Were all the answers you made to the Inspector who prepared this manifest card true?

A. Yes, sir.

Q. What is your purpose in going to the United States?

A. I am going back to my business down there at Twisp, Washington.

Q. Do you wish to go down there to visit or to live?

A. I want to go down there to live and I was in to see Mr. Wyckoff at Spokane, and he advised me to come back up here for a visa, but I have my papers, but it will take some time to get the papers through.

Q. What is your nationality?

A. Canada.

Q. When and where were you born?

A. Hydro, Oklahoma, February 3, 1902.

Q. How did you become a Canadian?

(Testimony of Carl E. Johnston.)

A. My father was naturalized in 1910.

Q. It is my understanding that your last residence was at Kamloops, B. C.; that you are a restaurant owner by occupation; never been married, and never refused admission to, or deported from the United States. Is this all true?

A. Yes, sir.

Q. That you lived in the United States from birth to 1910, and again from June of this year to October, 1937? A. Yes, sir.

Inspector Brakke: I move that the applicant be refused admission to the United States as an immigrant alien not in possession of an unexpired immigration visa.

Clerk Johnston: I second the motion.

Inspector Illman: Unanimous.

Chairman to Applicant: This board has voted to exclude you from admission to the United States as an immigrant alien not in possession of an unexpired immigration visa. From this decision you have the right of appeal to the Secretary of Labor, to whom in the event appeal is taken, the entire record will be forwarded for review and decision. Notice of appeal may be given orally at this time, or in writing within forty-eight hours. Do you wish to appeal? (No appeal recorded.)

You are excluded from admission to the United States for a period of one year, unless permission to reapply for admission is granted you by the Secretary of Labor. Application for such permission should be forwarded to the Secretary through this office.

(Testimony of Carl E. Johnston.)

Chairman (Continuing): You are cautioned that illegal entry into the United States is punishable by both fine and imprisonment and will render you subject to arrest and deportation, and if you are arrested and deported you will be excluded from admission to the United States for a period of one year and may then reapply only with the consent of the Secretary of Labor previously obtained.

(District Form M-341—notice of exclusion—issued.)

Attest:

CARL E. JOHNSTON,

Clerk.

Notes recorded in Book 3326-141.

Notes Transcribed March 1, 1938.

Mr. Erickson: That's all for Mr. Johnson. I don't desire to read it to the court, any of these exhibits. We haven't any jury, and the court can consider them at his leisure.

(Whereupon, there being no further questions, the witness was excused.)

FRANK S. NOONEY

called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

Direct Examination

By Mr. Erickson:

Q. Will you state your name, please?

A. Frank S. Nooney. [165]

(Testimony of Frank S. Nooney.)

Q. And what is your business, Mr. Nooney?

A. I am assistant to the operations officer in the United States Immigration office here.

Q. And in 1937 you were occupying what capacity with the Immigration Service at that time?

A. I was an Immigrant Inspector.

Q. Are you acquainted with the plaintiff in this case, William Wade Ricketts? A. Yes.

Q. You have known him for a number of years?

A. Yes.

Q. Now, directing your attention to March 1, 1938, where were you employed at that time, what station? A. In the Spokane office.

Q. And you were stationed at Twisp?

A. No, I was stationed at Spokane.

Q. But were you at Twisp on that date?

A. Yes.

Q. And what proceedings did you have in the case of William Wade Ricketts on or about March 1, 1938, at Twisp?

A. I took a statement from him there. I found him in the country unlawfully.

Mr. Young: I am going to object to that as a conclusion of this witness, and move it be stricken.

The Court: The objection will be sustained; the [166] answer will be stricken from the record.

Q. Just as to what you did, Mr. Nooney?

A. I placed him under oath and took a sworn statement from him.

Q. Did you have the power at that time to administer oaths? A. Yes, I did.

(Testimony of Frank S. Nooney.)

Mr. Young: I think in the interest of my client I should object to that. The answer came a little quicker than I was able to think. I don't know whether he has the power or not; it may be a conclusion.

The Court: Well, it is rather a conclusion. I'll let it stand as an answer that he had been administering oaths.

(Whereupon, record of hearing on March 1, 1938, was marked Defendant's Exhibit No. 13 for identification.)

Direct Examination
(Continued)

Q. I hand you defendant's identification 13, and ask you to state what that is, Mr. Nooney?

A. That is a transcript of the notes, longhand notes, that I made at the time that I took this statement from Mr. Ricketts.

Q. Are the answers thereon the answers in the language of Mr. Ricketts as he responded to the questions asked by yourself? [167]

A. Yes.

Mr. Erickson: I offer 13 in evidence.

Mr. Young: May I ask you where your longhand notes are from which you made the statement?

Witness: In this book.

Mr. Young: I am going to make the objection again that this amounts to no more than a memorandum from which the witness could refresh his recollection and testify as to what was said and

(Testimony of Frank S. Nooney.)

done at the time and place in question; object to it as incompetent, irrelevant and immaterial.

The Court: Is this the original?

Mr. Erickson: No, the original is in the Central Office file. We have the original. I would like to substitute that as copy.

The Court: Well, this was not signed by the plaintiff.

Mr. Erickson: No. Are your original notes signed, Mr. Nooney?

Witness: Yes, they are.

The Court: I notice there is a note on the bottom "Alien signs notebook, William Wade Ricketts." He signs your original notes, is that it?

Mr. Young: If I had an opportunity to go over these original notes, if we can go on to something else. [168]

Mr. Erickson: I would be perfectly willing that that be held up. You can have it during the noon hour, Mr. Young, and compare it with the original.

The Court: Are these exact copies of your notes as they appear in the notebook?

Witness: Except, naturally, when we record statements, we do take shortcuts on the things we know as a matter of general practice, for instance, the warning, and the oath that is administered, we use the same one every time, and I didn't put that all down word for word.

Mr. Young: Let me ask you this question.

(Testimony of Frank S. Nooney.)

Cross-Examination

By Mr. Young:

Q. When you interviewed Mr. Ricketts, you had some conversation with him before you started your examination, did you not?

A. I believe so, yes.

Q. You told him that you were an Immigration Inspector? A. That's right.

Q. And you considered that he was illegally in the country?

A. I don't recall that I made that statement to him.

Q. You had information that he had been, prior to that time, ordered out of the United States?

A. I believe so, yes.

Q. And you discussed generally his status of citizenship with him, didn't you? [169]

A. I don't believe so.

Q. And you told him that he was a Canadian citizen, didn't you? A. No, I don't think so.

Q. You don't recall ever telling him that?

A. I don't think I made such a statement.

Q. Well, it was your position that he was a Canadian citizen, isn't that correct, that is, the position of your Department? A. Yes.

Q. You had been sent up armed with that information, had you not? A. Yes.

Q. And you had had the access to defendant's Exhibit 12 before?

A. No, I didn't have that at the time.

(Testimony of Frank S. Nooney.)

Q. Well, had you seen it before? A. No.

Q. You hadn't seen it before? Well, you had received some instructions from your superiors as to what you were to do in connection with Wade Ricketts? A. Yes.

Q. And in asking him these questions in the preliminary, before you started writing down your answers, you had explained to him what you thought was right, that he was [170] a Canadian citizen, is that correct?

A. I don't think any such explanation was made.

Q. Are you positive that such an explanation wasn't made? A. I think I can say yes.

Q. You're positive that you did not assert, before you started taking your evidence from him, or your record from him, that he was in fact a Canadian citizen? A. Yes.

Mr. Young: I think that's all.

The Court: I think this original is admissible, but I doubt that we should admit a copy when the original with the signature of the plaintiff is available. It might be in less convenient form.

Mr. Erickson: Will you pick out the original, Mr. Nooney?

The Court: That original he has is simply the original of this?

Mr. Erickson: Yes.

The Court: It is not signed either?

Mr. Erickson: No.

The Court: What I had in mind was that the real original is the notes, signed.

(Testimony of Frank S. Nooney.)

Mr. Erickson: The notebook? I will offer these in evidence.

The Court: Does that have notes in it other than [171] this particular one?

Mr. Erickson: Yes.

The Court: You will have to offer just this particular one, so much of the notes as apply to the plaintiff.

Mr. Erickson: I will ask Mr. Nooney to designate what apply to this case, and offer those.

Mr. Young: May I make this suggestion. I don't want to be hyper-technical here, but if the witness would just testify or read from his notes into the record what he did, I think that would be proper. I just don't want to have some construction placed with the notes as finally made up that might injure my client.

The Court: Have you any objection to that?

Mr. Erickson: No, I haven't.

The Court: Could you read from your notes?

Mr. Erickson: After the formal part.

Redirect Examination

By Mr. Erickson:

A. Yes; "What is your true and correct name?" "William Wade Ricketts." Have you ever been known by or used any other name or names?" "No." "When and where were you born?" "In Hydro, Oklahoma, February 3, 1902." "Of what country are you now a citizen?" "Canada." "How did you acquire citizenship in Canada?" "Through

(Testimony of Frank S. Nooney.)

my father's naturalization there. He took out his naturalization papers in Canada while I was a minor, and that qualified me as a [172] Canadian citizen."

Mr. Young: Now, I want to object to that answer as being merely a conclusion on the part of my client as to what happened to him by reason of his father taking out citizenship, and in order to avoid interruption, I would like to have a general objection to the whole testimony.

The Court: The record may show that; the objection will be overruled.

A. (Continuing): "When and where was he naturalized in Canada?" "At Battle Ford, Saskatchewan, about 1914, I should judge. I can't give you the exact date." "Have you seen his Canadian papers?" "Yes." "Of what racial descent are you?" "Scotch-Irish." "Are you married or single?" "Single." "Have you ever been married?" "No." "When and where did you last enter the United States?" "At Oroville, Washington, about November 3, 1937, but you won't have any record of it." "Why not?" "Because I just walked across the line." "What time of the day or night?" "About four o'clock in the morning." "Who accompanied you?" "Nobody." "Where did you come from?" "From Vancouver, B. C., or rather, Kamloops, B. C." "What was your destination in the United States?" "Twisp, Washington." "Where did you cross the border with reference to the United States Immigration Office?" "Oh,

(Testimony of Frank S. Nooney.)

in [173] the dark, I should judge about a mile west. I just came over the hills, it wasn't neglect of duty on the part of the officers there." "Why did you take the route you did?" "Well, because I had been refused admission by the American Immigration Officers at Vancouver, and I knew I could not come in legally. I went to the American Consul at Vancouver and applied for a visa, but I did not have the necessary papers, so I then went to the Immigration Office and applied for two months leave to take care of my business here, but they refused me, so I came anyway." "The United States Immigration Office at Vancouver told you, did they not, that you were excluded for one year, and that if you entered illegally you would be subject to prosecution?" "Yes." "Did anyone advise you or assist you in coming to the United States then?" "No." "How did you get from Kamloops to the border?" "I drove my car." "Had you driven from Vancouver?" "Yes." "How did you come from Oroville to Twisp?" "I walked most of the way and hitch-hiked a little." "What became of your car?" "I sent a friend back for it. It was an American car, but it wasn't mine, exactly." "Isn't it a fact that that friend met you and brought you across the border to Twisp?" "No." "Did you deliberately elude and evade inspection by United States Immigration officers because you knew you would not be admitted if you applied in the [174] regular way?" "Yes." "And you were fully aware that by entering as you did you were subject to prose-

(Testimony of Frank S. Nooney.)

cution?" "Yes." "Have you ever previously been arrested?" "No, I never have." "Never on any occasion?" "No." "Do you have any close relatives in the United States?" "Yes, I got a brother." "What is his name?" "Wayne Ricketts." "Where is he?" "Newport, Washington." "Are your parents living?" "My father is, but not my mother; she died a year ago." "When did you come to the United States first from Canada?" "In September, 1936." "How long were you admitted for at that time?" "Two weeks, then I got an extension. Captain Brunner at Oroville gave me a six month extension, but I had overstayed my two weeks by two months, so that made eight months in all." "Did you get any further extension of stay?" "Well, I went back to Canada, through Oroville, about the first of June, 1937, and stayed two weeks, and then re-entered at Cascade on the 14th or 16th of June, 1937. I entered legally for three months, then I went to see Mr. Wyckoff in Spokane, and he told me to take my time in going back. It was him sent me to Vancouver to get my visa to enter legally." "When did you leave the United States the last time?" "The 23rd or 24th of October, 1937." "Where did you leave the United States?" "At Blaine." "When did you first enter into business here in Twisp?" "August 1, 1937." [175] "What did you do here prior to that?" "Just visiting here with friends." "Are you willing to sign these long-hand notes?" "Yes."

Mr. Erickson: That's all the questions I have.

(Testimony of Frank S. Nooney.)

The Court: Any further cross-examination?

Mr. Young: No.

(Whereupon, there being no further questions, the witness was excused.)

The Clerk: Mr. Erickson, in view of that, do you wish to withdraw this?

Mr. Erickson: Yes, I request to withdraw identification 13.

The Court: Identification 13 will be withdrawn.

PETER SZAMBELAN

called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

Direct Examination

By Mr. Erickson:

Q. Will you state your name, please?

A. Peter Szambelan.

Q. And what is your business?

A. Immigrant Inspector, Immigration and Naturalization Service, Portland, Oregon.

Q. Were you such on March 3, 1938?

A. No, I was not.

Q. What were you then? [176]

A. I was a stenographer in the Immigration office in Spokane, Washington.

Q. And your duties were to take down shorthand notes at hearings, and later to transcribe them into writing?

A. That's right.

(Testimony of Peter Szambelan.)

Q. Directing your attention to what you just said, did you act as stenographer at a hearing where William Wade Ricketts was questioned?

A. I did.

Q. What kind of a hearing was that?

A. It was a deportation hearing. It was there, the explanation of deportation, and it was a hearing given by the Immigration Service into Mr. Ricketts' right to be and remain in the United States, and particularly to show cause why he should not be deported from the United States.

Q. Was he sworn, placed on oath, before the hearing?

A. Yes, he was.

Q. And you made original shorthand notes of that hearing?

A. Yes, I did.

Mr. Erickson: Well, I would just like to proceed as we did in the last case, have the hand notes read, or I have the transcript read.

Mr. Young: Let me look at the transcript. It will make the same record objectionable as the document. [177] I assume that the purpose is to again put forth the admission

William Wade Ricketts

(Testimony of Peter Szambelan.)

of admission against interest made by the plaintiff in the course of those hearings.

Mr. Erickson: That is the view I take, but the only way I know to get the whole statement is to offer everything said at the hearing.

Mr. Young: I am just going to make the objection in order to protect the theory that I am going to address the court on later in the trial. I am not going to require that the stenographer transcribe all his notes.

The Court: I think it might be well to have the witness testify that he personally made that transcription and that it is an accurate transcription of his shorthand notes, what the plaintiff said.

(Whereupon, record of hearing held at the court house, Kane, Washington, March 3, 1938, was marked as Defendant's Exhibit No. 14 for identification.)

Q. (By Mr. Erickson): I will hand you the defendant's identification [178] 14, Mr. Szambelan, and ask you whether or not you transcribed the shorthand notes, and whether or not identification 14 now is an accurate typewritten report of the shorthand notes that you had?

(Testimony of Peter Szambelan.)

in other words, my shorthand notes were transcribed the same day.

Mr. Erickson: Then I will offer 14.

Mr. Young: I am making the objection I have heretofore made, incompetent, irrelevant, and immaterial.

The Court: It will be admitted over objection of the plaintiff.

(Whereupon, Defendant's Exhibit No. 14 for identification was admitted in evidence.)

[Defendant's Exhibit No. 14 set out on pages 264 to 284.]

Mr. Erickson: Then that's all, Mr. Szambelan.

Mr. Young: No questions.

(Whereupon, there being no further questions, the witness was excused.)

MARY M. SEELEY,

called as a witness on behalf of the defendant, being first duly sworn, testified [179] as follows:

Direct Examination

By Mr. Erickson:

Q. Will you state your name, please?

A. Mary M. Seeley.

Q. And you're not employed by the Immigration Service now? A. No, I am not.

Q. You were employed formerly, on April 1, 1942, by the Immigration Service?

A. Yes, I was.

(Testimony of Mary M. Seeley.)

Q. In Spokane; in what capacity were you employed at that time? A. I was a stenographer.

Q. During your employment, and directing your attention to on or about April 1, 1942, was a—state whether or not a sworn statement was taken from the plaintiff in this case, William Wade Ricketts, on that day. A. Yes, it was.

Q. And who was present?

A. Inspector Walter, Mr. Ricketts, and myself.

Q. And where was it taken?

A. In Inspector Walter's office.

Q. In Spokane, Washington?

A. In Spokane, Washington.

(Whereupon, record of hearing held at Spokane, Washington, April 1, 1942, was marked Defendant's Exhibit No. 15 for identification.)

Direct Examination

(Continued)

Q. You have the original shorthand notes of that hearing at the present time, do you, Mrs. Seeley?

A. Yes, I have.

Q. I will hand you Defendant's Identification 15, and ask you to state whether or not that is an accurate transcription of your original shorthand notes?

A. This is an accurate transcription of my original shorthand notes, made on May 1, or April 1, 1942.

Q. State whether or not Mr. Ricketts was placed under oath at that time?

(Testimony of Mary M. Seeley.)

A. He was placed under oath.

Mr. Erickson: Now, I offer 15, Mr. Young. It is rather long.

The Court: The Court hasn't looked at these last two exhibits. I assume that they do contain some material admission by the plaintiff that he was a Canadian citizen or British national?

Mr. Erickson: Yes, that's true.

Mr. Young: I wish to make the same objection as to this, without examining it; it is incompetent, irrelevant, and immaterial.

The Court: It will be admitted, and the record will show over the objection of the plaintiff. [181]

(Whereupon, Defendant's Exhibit No. 15 for identification was admitted in evidence.)

[Defendant's Exhibit No. 15 set out on pages 285 to 311.]

Mr. Erickson: Are there any questions of this witness?

Mr. Young: No.

(Whereupon, there being no further questions, the witness was excused)

DORIS H. CREWS

called as a witness on behalf of the defendant, being first sworn, testified as follows:

Direct Examination

By Mr. Erickson:

Q. Will you state your name, please?

A. Doris H. Crews.

(Testimony of Doris H. Crews.)

Q. And where do you reside now, Mrs. Crews?

A. In Spokane.

Q. Directing your attention to on or about August 2, 1943, were you employed by the Immigration and Naturalization Service on that date?

A. No, I wasn't.

Q. I beg pardon? A. No.

Q. When were you employed by the Immigration Service? A. In 1942, until April, 1943.

Q. I must have the date wrong here. On November 30, 1942, were you employed by the Immigration Service, is that correct? [182]

A. Yes.

Q. Are you acquainted with the plaintiff in this case, William Wade Ricketts?

A. Well, I took a statement from him.

Q. You recognize him as a man you took the statement from?

A. Well, I wouldn't have recognized him, no.

Q. But you did take a statement from a William Wade Ricketts at that time? A. Yes.

Q. Did you make shorthand notes of that statement? A. Yes.

Q. And did you later transcribe those shorthand notes into a typewritten statement? A. Yes.

(Whereupon, record of hearing held at Spokane, Washington, November 30, 1942, was marked Defendant's Exhibit No. 16 for identification.)

Q. I had you defendant's Identification 16, and ask you whether or not that is an accurate and com-

(Testimony of Doris H. Crews.)

plete report of the shorthand notes that you originally took in that hearing? A. Yes.

Mr. Erickson: I offer it.

Mr. Young: I will make the same objection heretofore made, incompetent, irrelevant and immaterial. [183]

The Court: It is offered for the same purpose, I assume, as showing some admission of the plaintiff, Mr. Erickson?

Mr. Erickson: I beg pardon?

The Court: This one is offered for the same purpose as the others, some admission?

Mr. Erickson: Yes.

The Court: It will be admitted.

(Whereupon, Defendant's Exhibit No. 16 for Identification was admitted in evidence.)

DEFENDANT'S EXHIBIT "16"

U. S. Department of Justice
Immigration and Naturalization Service
Spokane, Washington

Spokane file 9012/7999

C. O. file 55973/230

Sworn Statement of William Wade Ricketts

Made at Spokane, Washington,

on November 30, 1942

Present:

William Wade Ricketts, Alien; Guy H. Walters, Special Inspector; Doris H. Crews, Stenographer.

Inspector Walter to Mr. Ricketts: You are advised that I am a United States Special Inspector

(Testimony of Doris H. Crews.)

Defendant's Exhibit No. 16—(Continued)

and authorized by law to administer oaths in connection with the enforcement of the immigration and naturalization laws of this country. I desire to take a statement from you at this time for the purpose of obtaining additional information which will enable this Service to properly determine your present citizenship status. Any statement you make should be voluntary, and you are hereby warned that any such statement may be used against you in any criminal or deportation proceeding. Are you willing to answer my questions under those conditions? A. Yes, sir.

Q. Do you solemnly swear the statements you make will be the truth, the whole truth, and nothing but the truth, so help you God? A. I do.

Q. I must warn you that every person who, having taken an oath before an officer of the government in any case in which a law of the United States authorizes an oath to be administered that he will testify truthfully, who wilfully and contrary to such oath states and subscribes to matters which he does not believe to be true, is guilty of perjury and upon conviction shall be punished by a fine or not more than \$2,000 or imprisonment of not more than five years. Do you understand? A. Yes.

Q. What is your full, true and correct name, occupation, and present place of residence?

A. Full name is William Wade Ricketts, present occupation is cafe operator, and my address is 110 North Division Street, Spokane, Washington.

(Testimony of Doris H. Crews.)

Defendant's Exhibit No. 16—(Continued)

Q. Have you used any other names at any time?

A. Yes.

Q. State them please.

A. Walter Richards.

Q. Was there another?

A. At Marcus and Colville in 1939 they called me Ward Richards, but I never signed my name.

Q. When and where were you born?

A. I was born in Hydro, Oklahoma, February 3, 1902.

Q. What was your father's name and where was he born?

A. Seigle Ricketts. I can't give you his place of birth, I think it was Indiana State. No, I'm mistaken, it was Redoak, Iowa.

Q. Are you the same William Wade Ricketts who made a sworn statement before me at this office on April 1, 1942?

A. Yes.

Q. I now show you a transcript of that statement and ask you if all the answers given by you to the questions asked at that time were true and correct to the best of your knowledge and belief?

A. (After reading statement): Yes, except that my mother's birthplace was Bartonville, Illinois, instead of Barnville, Illinois, as shown.

Q. In the sworn statement made by you before me on April 1, 1942, you stated, among other things, that you had voted once in Canada about the year 1928. Is that correct?

(Testimony of Doris H. Crews.)

Defendant's Exhibit No. 16—(Continued)

A. Yes, but I believe it was the year 1927 when I check back.

Q. At what place in Canada did you vote on that occasion?

A. It was in the—I think it was the Chaton District, Alberta, and the voting place was the Arrow Wood school house, and it was the provincial election in 1927, I believe, it couldn't have been in 1928.

Q. Did you under the laws of Canada have a right to participate in that election? A. Yes.

Q. How old were you at that time?

A. Well, I'd be twenty-five years old.

Q. Did you go to the polls freely and voluntarily and vote of your own accord? A. Yes.

Q. You have stated that that was a provincial election, did you vote to determine the selection of any officer or officers to any position in the provincial government?

A. In the provincial government, yes.

Q. What offices in the provincial government did you vote to fill?

A. Now that is a question that is awfully hard to answer. The ballot they use there is similar to the one here. It is for a number of officers, but they use an odd type of ballot. It was voting for the *permiership* of the province, that is the premier, he is the same as your governor here.

Q. Who was the candidate for premier?

A. Brownlee.

(Testimony of Doris H. Crews.)

Defendant's Exhibit No. 16—(Continued)

Q. Do you remember any of the other offices that were to be selected by that election?

A. Yes, George Hoadley was the minister of agriculture, and that is all I do remember.

.Q. You say that is all you do remember?

A. I don't even remember what the opposition was now.

Q. Were all voters in the election required to be bona fide Canadian citizens?

A. Yes, naturally.

Q. And at that time were you exercising the rights of a Canadian citizen which you derived during minority through the naturalization of your father in Canada? A. Yes.

Q. Did you then vote to determine the selection of any dominion or local officers? A. No.

Q. Did you then vote to determine the adoption or legislation of any measure to decide a political issue in the dominion, provincial, or local governments?

A. In the provincial and local—in the provincial, yes.

Q. Do you remember what policy was at issue at that time?

A. No, to be frank, I don't.

Q. Do you remember in a general way about what it was?

A. Well, it was the ordinary party platform. It was our farmer platform, farmer premier at that

(Testimony of Doris H. Crews.)

Defendant's Exhibit No. 16—(Continued)

time. They believed in a low rate of taxation and much the same as your democratic government here, but any particular measure, I don't remember. It was just a general provincial election.

Q. Were any of the matters voted upon by you at that time for the purpose of determining sovereignty over foreign territory? A. No.

Q. Were local political offices determined by the results of that election also? A. No.

Q. It was strictly a provincial election, was it not?

A. Yes, you see, in Canada local politics—provincial politics does not control local politics near as much as it does here in the state of Washington.

Q. Do you remember of any other offices that were to be determined by the selection of individuals at that time other than those that you have mentioned? A. No, I do not.

Q. Did you ever vote in Canada at any other time? A. No.

Q. Have you ever held any political position in Canada? A. No.

Q. Were you ever employed by the Canadian government in any capacity? A. No.

Q. Have you ever taken an oath of allegiance to the Canadian government? A. No.

Q. Have you ever voted in any election in the United States? A. No.

Q. None whatever? A. None whatever.

Q. I believe you have stated heretofore that you

(Testimony of Doris H. Crews.)

Defendant's Exhibit No. 16—(Continued)
registered under the Selective Service Act of 1940,
is that correct? A. Yes.

Q. Have you been classified? A. Yes.

Q. What is your present classification?

A. 1-A.

Q. Have you been called to report for service?

A. Yes, I was called on the 11th of November
and then they postponed it. Here is my last call,
and here is my classification card, and here is my
registration card. (Presents order to report for
induction dated November 17, 1942, addressed to
William Wade Ricketts, order No. 10559, directing
him to report for training and service in the army
at the Armory, Spokane, Washington, at 7:45 a.m.,
on the 16th day of December, 1942.)

Q. Have you now pending any application for
deferment? A. No. (Cards returned.)

Q. Is there anything else that you wish to state
in connection with your case?

A. Yes, there is. I have been waiting to see what
disposal you would make of my case, now that I'm
going into the army, it doesn't make much differ-
ence. I'll see whether I'm taken or not, then I wish
to apply for a visa or the necessary forms, I have
waited this long to wait for you people to dispose
of my case to see where I would stand. If you
people have the authority to write me a visa here,
I would like to do that. If I have to do it in Canada,
I'd be willing to do so for legal reentry into the
United States for the purpose of citizenship. I
think that's all that is necessary.

(Testimony of Doris H. Crews.)

Defendant's Exhibit No. 16—(Continued)

Certified a true and correct transcript of my shorthand notes.

DORIS H. CREWS.

(Whereupon, there being no further questions, the witness was excused.)

JAMES E. SULLIVAN

called as a witness on behalf of the defendant, being first duly sworn, testified as follows:

Direct Examination

By Mr. Erickson:

Q. Will you state your name, please?

A. James E. Sullivan.

Q. What is your position?

A. Immigrant Inspector, Immigration and Naturalization Service, stationed in Spokane.

Q. What was your connection with the Immigration Service on August 2, 1943?

A. The same.

Q. Were you acquainted with the plaintiff, William Wade [184] Ricketts? A. I am.

Q. Did you give Mr. Ricketts a hearing, or did your Service give Mr. Ricketts a hearing, on or about August 2, 1943? A. I did.

Q. And who was present at that hearing?

A. Mr. Ricketts and myself.

(Testimony of James E. Sullivan.)

Q. State whether or not Mr. Ricketts was placed under oath?

A. Mr. Ricketts was placed under oath.

Q. Where was the hearing?

A. In the Immigration office in the Welch Building.

Q. Did you make original shorthand notes at that time? A. I did.

Q. Do you have them with you?

A. I have.

The Court: What was this date, now?

Mr. Erickson: August 2, 1943.

The Court: The same date as the last one, wasn't it?

Mr. Erickson: No, the last one I mis-stated. The date was November 30, 1942, the actual date of the hearing.

The Court: Oh, I didn't correct my notes here.

(Whereupon, record of hearing held at Spokane, Washington, August 2, 1943, was marked Defendant's Exhibit No. 17 for identification.)

Direct Examination

(Continued)

Q. I will hand you Defendant's Identification No. 17, Mr. Sullivan, and ask you if identification 17 is an accurate typewritten transcription of your original shorthand notes? A. It is.

Mr. Erickson: I offer 17.

Mr. Young: I make the same objection.

The Court: It will be admitted.

(Testimony of James E. Sullivan.)

(Whereupon, Defendant's Exhibit No. 17 for identification was admitted in evidence.)

[Defendant's Exhibit No. 17 set out on pages 311 to 336.]

Direct Examination
(Continued)

Q. Mr. Sullivan, did you have any conversation with Mr. William Wade Ricketts, the plaintiff in this case, about filling out a form I-55?

A. I did.

Q. And do you know when that conversation took place?

A. On July 27, I believe it took place.

Q. Of what year? A. 1943.

Q. And what was the occasion of that conversation? How do you remember it?

A. Hearing was first started in his case on July 27th, and I informed him at that hearing that he had the right to apply, if he so desired, for the privilege of voluntary [186] departure from the United States in lieu of deportation, and if he so desired I would furnish him forms to make that application. He indicated he did wish to apply, and I presented him with those forms. The forms were presented prior to the hearing on August 3.

Q. I hand you Exhibit 2 and ask you if you are the same James E. Sullivan?

A. August 2 is when they were sworn to—I make a correction; that is my signature, and Mr. Ricketts' signature, signed in my presence.

(Testimony of James E. Sullivan.)

Q. Was there any conversation on your part with Mr. Ricketts about any prosecution?

A. He wasn't subject to prosecution.

Mr. Young: I move that be stricken as not being responsive.

The Court: The question is what conversation you had.

A. There was none.

Q. State whether or not you told Mr. Ricketts that he must fill out the form?

A. I did not; it was a voluntary act on his part.

Mr. Erickson: That's all.

Cross-Examination

By Mr. Young:

Q. Mr. Ricketts had at a time prior to this been incarcerated in jail for ten days? [187]

A. Mr. Ricketts was never incarcerated on this occasion.

Q. I say before; do you understand the question, before the date of the execution of this document, Exhibit 2, he had been?

A. Well, maybe some time in the past. He wasn't in connection with this arrest.

Q. As a matter of fact, Mr. Ricketts is under bond right now, is he not?

A. Mr. Ricketts was released on his own recognizance at that time.

Q. At the present time he is under a bond or he would be in jail?

A. At the present time I understand he is under bond.

(Testimony of James E. Sullivan.)

Q. There is no question about his being under bond; it's a thousand dollar bond, isn't that correct?

A. I don't know, I haven't seen the bond.

Q. And he would be in jail if it were not for that bond?

A. That's a conclusion.

Mr. Erickson: I suggest that is argumentative.

Mr. Young: Will it be stipulated he is out on bond?

Mr. Erickson: Oh, yes, we'll stipulate he is out on bond.

Mr. Young: That's all.

(Whereupon, there being no further questions, the [188] witness was excused.)

Mr. Erickson: We haven't any more testimony, and therefore rest.

The Court: Do you have any rebuttal, Mr. Young?

Mr. Young: I think that counsel will agree, if I can speak to him on a matter.

The Court: If you would like some time to look over these exhibits, we can recess and take up the argument this afternoon.

Mr. Young: What I had in mind was asking counsel to agree, but maybe it appears in the various documents, that the last time that my client was in Canada was subsequent to December 8, 1941, at a time when we were at war.

Mr. Erickson: Yes, that appears.

Mr. Young: I think it appears, but I want to be very certain that it is in the record. My point is that he could not do anything by way of ex-

(Testimony of James E. Sullivan.)

patriating himself subsequent to the time we were at war, because of the statute. I wonder if it would be convenient with the court, or agreeable, if I could take some of these exhibits and get off by myself somewhere? I prefer to do it in my office.

The Court: I have no objection to your withdrawing the exhibits over the noon recess, unless counsel for [189] the defendant wishes to examine them at the same time.

Mr. Erickson: No; I would like to have the court read them prior to the argument.

Mr. Young: I have gone through some of the exhibits, and there are some pertinent things that I wish to read to the court, or have the court have in mind.

The Court: I have read as we have gone along here all the exhibits except these last ones. I think there are about perhaps four or five of the last statements that I haven't read.

Mr. Young: Maybe it would be better if the court read them rather than me.

The Court: Unless you wish to take them and have them back here by 1:30. I think if we are going to do that, though, we had better take up the argument in this case at 2:30. That will give us time to conclude the case this afternoon, I assume. I shouldn't think we would require more than three hours for argument. I think we had better take up this case again at 2:30.

(Whereupon, the Court took a recess in this cause until 2:30 o'clock p.m.)

Spokane, Washington, October 1, 1946,
2:30 o'clock p.m.

(All parties present as before, and the trial was resumed.) [190]

Mr. Young: Your Honor, I have some additional testimony, in view of examination of the Exhibits, 14 to 17, which is in the nature of rebuttal, and it may be partially in the nature of corroborative testimony in the case in chief.

The Court: Very well, you may put it on.

GEORGE FORBES

called as a witness on behalf of the plaintiff, in rebuttal, being duly sworn, testified as follows:

Direct Examination

By Mr. Young:

Q. Your name is George Forbes?

A. Yes, sir.

Q. And where do you live?

A. 807 West Dalton.

Q. What is your business? A. Barber.

Q. Do you know William Wade Ricketts, the plaintiff in this case? A. Yes, sir.

Q. When did you first become acquainted with him? A. In July, 1926.

Q. In July, 1926? Where?

A. Oh, a little ways north of Marcus, in a logging camp.

(Testimony of George Forbes.)

Q. In the State of Washington?

A. In the State of Washington. [191]

Q. What was the circumstances of your becoming acquainted with him? Just state it briefly to the Court.

A. I remember when he first come into the camp, it was after the 4th of July, and he worked in the camp, and we got called out on a forest fire. I remember we went out on the same truck.

Q. Did you live in the same bunkhouse with him?

A. Lived in the same bunkhouse with him.

Q. Did you have occasion to discuss his claims of citizenship? You can answer that yes or no.

A. Yes.

Q. What, if anything, was said by him to you with respect to his claim of citizenship at that time?

A. Well, the reason it came up, I didn't have my own papers at that time, and we talked about it.

Q. Were you a Canadian citizen or a British subject? A. British subject.

Q. And did you discuss your situation with him?

A. Well, we brought it up once in a while, yes. I had to go through that, and he said "I don't have to worry, I'm an American citizen."

Q. I see; and that's the way the discussion came about? A. That's the way.

Q. And that was at Marcus in 1926, during the month of July, is that correct? [192]

A. That is correct.

Mr. Young: You may inquire.

(Testimony of George Forbes.)

Cross-Examination

By Mr. Erickson:

Q. Did he tell you that he was born in the United States, or that he was an American citizen, do you remember?

A. No, as far as that goes he didn't mention any of that.

Q. He didn't tell you where he was born?

A. No, sir.

Q. Did he tell you how long he had been in the United States?

A. Oh, we didn't carry on no—no, I wouldn't say that he didn't say.

Q. Was that the first time you had seen him, there in this forest fire?

A. That's the first time.

Q. You had only seen him a few days before that?

A. Oh, we worked in camp, yes.

Q. Well, how long did you work together in camp?

A. It was during the month of July.

Q. Oh, just during the month of July, 1926?

A. 1926.

Q. Have you seen Mr. Ricketts continuously from that time, July, 1926, until the present time?

A. In Spokane here at different whiles, you know.

Q. You have kept up your acquaintance with him all the time? [193]

A. Yes, that's right. He come to see me. I was

up on Washington street, and he'd drop in to see me during those years. I was up there for eight years.

Mr. Erickson: That's all.

(Whereupon, there being no further questions, the witness was excused.)

WILLIAM WADE RICKETTS

the plaintiff. recalled as a witness in his own behalf, in rebuttal, testified as follows:

Direct Examination

By Mr. Young:

Q. Mr. Ricketts, in Defendant's Exhibit 17 you were asked some questions concerning your intention of residing permanently in the United States when you first came here from Canada after your removal as a youth to Canada by your father. Do you understand what I mean? A. Yes.

Q. And I believe you answered to the effect that it was not your intention to remain permanently here in the State of Washington, or in the States, is that correct?

A. I do not remember making a statement to that effect. If I did, it is not true.

Q. Well, now, who came with you from Canada on that occasion? A. My wife came with me.

Q. Your wife came with you; did you have a family? A. I had one child.

(Testimony of William Wade Ricketts.)

Q. I believe this may be repetition, but briefly, where did [194] you take up your residence here in Spokane?

A. At the Ensley Apartments on Pacific Avenue in Spokane.

Q. What was the cause of your removal back to Canada? What caused you to go back in Canada?

A. On account of my wife's health, she was unable to live in this low climate, and in the spring she begged me to go back to Canada, which I did.

Q. Was it your intention to remain permanently in the United States at that time? A. Yes.

Q. Now, with respect to Exhibit 17, you made certain admissions in response to questions, the chief of which were that you were a citizen of Canada.

The Court: Pardon me; this time that he lived in the Ensley Apartments, was that his first trip?

Mr. Young: His first trip back after being taken away as a child.

Direct Examination

(Continued)

Q. Now, at the time you gave the answers to questions that are contained in Exhibit 17, state whether or not you had a discussion or an understanding or whatever it was with Mr. Sullivan with respect to what would be the best procedure to take in your case? A. I had an understanding?

Mr. Erickson: Just a minute; I object to that. I think it is repetition. It's been gone into previously.

(Testimony of William Wade Ricketts.)

The Court: Read the question.

(Whereupon, the reporter read the last previous question.)

The Court: I'm not sure whether that's been gone into as to this particular exhibit or not. He's explained most of them.

A. Yes, I did have an understanding with Mr. Sullivan.

Q. What was that?

A. The understanding was to answer the questions in this application for voluntary departure. Mr. Sullivan agreed to cooperate with me to obtain a visa and re-enter the country legally the easiest way possible. I had an understanding with Mr. Sullivan to that effect. The first thing I had to do was fill out this form according to the questions listed, to obtain permission to depart to Canada voluntarily.

Q. State whether or not at the time you answered these questions contained in Exhibit 17 with respect to your claim of citizenship you believed that you had to have a citizenship in some country in order to secure a visa for entry into this country?

A. I did.

Mr. Erickson: I object to that. It is leading.

The Court: Well, I think it is leading, but he's testified to that before.

Mr. Young: I had a "whether or not" in there, but I don't know whether that cured it.

(Testimony of William Wade Ricketts.)

The Court: That doesn't always take the curse off a leading question.

Direct Examination

(Continued)

Q. In Exhibit 17 you answered questions to the effect that you did not intend, or that you intended to be a citizen, to become a citizen of Canada after your attainment of twenty-one years. You answered some questions to that effect. State whether or not that was a fact, that you did intend to become a citizen of Canada?

A. I did not intend to become a citizen of Canada.

Cross-Examination

By Mr. Erickson:

Q. Well, Mr. Ricketts, when were you married?

A. I was not married.

Q. I thought you brought your wife down?

A. I had a common law wife.

Q. Well, when did you consider that you entered into the common law marriage in Canada?

A. February 28, 1923.

Q. In what Province?

A. Province of Saskatchewan.

Q. And was your common law wife a Canadian?

A. Yes. [197]

Q. And you had some children born in Canada?

A. Yes.

Q. How many? A. Two.

Q. And you brought them down with you to the Ensley Apartments?

(Testimony of William Wade Rice)

A. I brought one, the younger

Q. And what happened to the
you leave him in Canada?

A. No, I only had one child in

Q. One died previously?

A. No, that was the younger one
was born subsequently.

Q. Then when you departed for
Apartments to Canada you took the

A. That's right.

Q. And from 1926 on, you never
wife or children back to the State
Canada.

A. From the spring of 1927 on
was here with me until the spring

Q. She stayed in Canada with

A. No, she stayed here in Spo

Q. Then you brought her back
Spokane? A. Yes.

Q. From that time on you never
wife or children [198] back to the

A. That's right.

Q. And when did you come b

William Wade Ricketts

(Testimony of William Wade Ricketts.)

A. They are still in Canada.

Q. And did you intend to leave them in Canada?

A. Yes.

Q. You were still married to your common-law wife in Canada?

A. No, we had been separated a good many years previous to that.

Q. Are your children still minors?

A. Yes.

Q. They are still in Canada?

A. Yes.

Q. And you haven't tried to bring them into the United States? A. No.

Mr. Erickson: That's all. [199]

Redirect Examination

By Mr. Young:

Q. The children are with their mother, are they not? A. They are.

Q. And you have been contributing to their support? A. That's right.

Q. And have they expressed any desire to come into the United States? A. They have not.

Q. Now, just so we get the common law changed

(Testimony of William Wade Rice)

Q. And lived together as such?

A. As such.

Q. How long before the first child?

A. A period of three or four years.

Mr. Young: I wonder if counsel for the Province of British Columbia has any objection to the doctrine of common law marriage in Saskatchewan?

Mr. Erickson: I have no knowledge. I don't [200] know, but Mr. Moore says they do not.

The Court: The Court doesn't know. The Court does not take judicial notice of the laws.

Mr. Young: I don't know either. I don't know that there was a doctrine of common law marriage prevailing in Saskatchewan. It may be.

The Court: Of course, we are not concerned with whether this man was legally married, only insofar as it may have a bearing on his intentions and actions, and be explanatory in this case.

Mr. Young: I had in mind the fact that

William Wade Ricketts

Mr. Erickson: I would like to call Mr. Sullivan back again.

JAMES E. SULLIVAN

recalled as a witness on behalf of the defendant in sur-rebuttal, testified as follows:

Direct Examination

By Mr. Erickson:

Q. You are Mr. John Sullivan? [201]

A. James Sullivan.

Q. Who testified here before in this case?

A. Yes.

Q. I am asking you with regard to defendant's Exhibit 17, as to whether or not you had any conversation with Mr. Ricketts in regard to his answering the questions in that exhibit, and if so, explain what the conversation was?

A. I don't understand just exactly what you have reference to.

Q. Well, let me explain it. Did you have any conversation with Mr. Ricketts about him being compelled to answer the questions?

A. No, there was nothing so far as comp-

(Testimony of James E. Sullivan.)

A. This hearing, after the hearing was completed the findings were made and served on Mr. Ricketts. He still has a copy, I presume. They were forwarded to Washington, D. C., Board of Immigration Appeals. They in turn made [202] decision that granted voluntary departure. I had no power or authority to promise or in any way to indicate that that would be granted. However, I did recommend that that be granted, and I told him that I would recommend it.

Mr. Erickson: That's all.

Cross-Examination

By Mr. Young:

Q. You did as a concluding matter in this examination say: "The hearing in this case will be adjourned at the present time to a future date, in lieu of deportation, in order that a character investigation may be conducted in your case. You will be notified when to appear." You did make that statement to him?

A. That's right, and the hearing was continued at a later date.

Q. And you did, prior to or during the making of the examination, explain to him the benefits of voluntary departure?

A. Certainly, that's a requirement.

Mr. Young: That's all.

(Whereupon, there being no further questions, the witness was excused.)

Mr. Erickson: That's all our testimony in sur-rebuttal.

(Whereupon Mr. Young made a closing address to [203] the Court on behalf of the plaintiff, and Mr. Erickson made a closing address to the Court on behalf of the defendant.)

The Court: I think I will announce my opinion orally in this case tomorrow morning at ten o'clock. I would like also to look at some of these cases again and go over my notes, and perhaps look at some exhibits. While I am not going to take the case under advisement, I will simply announce my opinion orally at ten o'clock.

(Whereupon, the Court took a recess in this cause until October 2, 1946, at 10 o'clock a.m.)

Spokane, Washington, October 2, 1946
10 o'Clock A.M.

The Court: The Court will now announce its decision orally in the case of William Wade Ricketts against the Attorney General of the United States.

As was brought out here in argument, I think it was by the United States Attorney, there was a case, the Reid case, decided by the Ninth Circuit Court of Appeals, that would have been determinative of this case. It was decided, as I recall, about 1934. It held that under these circumstances the plaintiff would have lost his American citizenship upon the naturalization of his father in Canada during his minority, and of course that would have

settled the proposition, because then it would have been incumbent upon the plaintiff to have re-acquired his American citizenship by some method or other in accordance with the provisions of law. But that case insofar as it did hold what I have just stated, was virtually overruled by the case of *Perkins vs. Elg*, 307 U.S. 325, which was decided by the Supreme Court of the United States in 1939, just prior to the adoption of the new statute which has now settled this sort of question. It appears in 8 U.S.C.A., Section 801.

So that as I see it, the principles by which the [205] Court must be governed in this case are set out in the *Perkins vs. Elg* case, and that case is controlling here insofar as the rules to be followed are concerned. The opinion of the Circuit Court of Appeals in the *Reid* case was based in part, at any rate, upon the opinion of the Attorney General in the *Tobiasen* case, and the Supreme Court of the United States expressly repudiated the Attorney General's opinion in that case in the opinion in the *Elg* case, and instead adopted a series of rulings and directives and statements of principle in letters covering a period of years issued by the State Department of the United States.

In the well-reasoned opinion, Justice Hughes, who wrote the opinion, Chief Justice Hughes, adopted the principles set out in these various rulings and directives, and it is there, it seems to me, that we must find the rule and the measures to apply here.

It was held there that Miss *Elg*, who was the subject of the decision, had not lost her American

citizenship by virtue of her parents having returned to their native land during her minority and re-assumed their nationality there. However, the Elg case, I think, is clearly distinguishable from this case in its facts, because Miss Elg made inquiry at an American consulate just prior to reaching her 21st birthday as to whether [206] or not she could retain her American citizenship which she had acquired by her birth. She was advised that she could do so, and within eight months returned from Norway or Sweden, at any rate one of the Scandinavian countries, and returned to the United States. Of course, the promptness and reasonableness of the time within which a person acts in a case of this character must be judged by the circumstances, and one of the circumstances would be the distance in which they find themselves removed from the United States, and the difficulty and expense of returning, which would be greater from Europe than coming across the line from Canada, where the countries are contiguous and there is very little difficulty or expense.

Now, the principle, as I see it, in *Perkins vs. Elg*, is this: Of course, it is conceded, and it is no longer open to controversy, that a person born in the United States thereby acquires American nationality, whether or not the parents are foreigners or whether or not they are capable themselves of acquiring American citizenship. There are some exceptions to that, of course, but they are not material here. If, however, during minority, a child who is born in this country is taken by its parents

to a foreign country, where the parents either by becoming naturalized in a foreign [207] state or by resuming a nationality which they formerly had there become subjects or citizens of that country, then under its laws the foreign state may have claim to nationality of the child, and in that case, under our law as it was announced in *Perkins vs. Elg*, that child has a dual nationality. The theory is that it is unfair to a minor, who must of necessity be domiciled with the parent if the parent so desires, and must go with the parent to a foreign country in obedience of the law, that it is unfair to have their birth-right of nationality taken from them without any voluntary act on their part, or without giving them opportunity to make a choice, so that the principle we apply is that there is a dual nationality there until the child becomes twenty-one years of age, and is in a position to make a choice for himself, but upon becoming twenty-one years of age, then that person may elect either to retain American citizenship or American nationality, or to adopt the nationality which it has acquired by virtue of the actions of its parents, the naturalization of its parents.

I think it is inherent in the reasoning of *Perkins vs. Elg* that that dual citizenship may not continue indefinitely after the person involved reaches majority. It is only permitted to exist during minority because that person has no right of free choice. As soon as the [208] right of free choice comes into existence, on the arrival of the person at majority, then an election must be made, one way or the other,

within a reasonable time. A person can't indefinitely continue to be a citizen or subject of two countries.

The principles that govern here are not as clearly stated as applied to these facts as one might wish, in *Perkins vs. Elg*, but I think there is a good deal in that opinion that throws light on the situation here. On Page 329 of the *Perkins vs. Elg* opinion, the Court says:

“It has long been a recognized principle in this country that if a child born here is taken during minority to the country of his parents' origin, where his parents resume their former allegiance, he does not thereby lose his citizenship in the United States provided that on attaining majority he elects to retain that citizenship and to return to the United States to assume its duties.”

It does not seem to me there is any distinction in principle between a situation where the parents, we will say, as in the *Elg* case, were originally subjects of a foreign state, in that case subjects of Sweden, come to this country and are naturalized, a child is born to them, then they take the child back to Sweden, and by virtue of residence resume their allegiance and nationality of [209] Sweden, than one we have here, where the parents were American, a child was born in America and then taken to a foreign state, where the parents, during the minority of the child, by naturalization acquired a foreign nationality. It seems to me there would be no difference in principle at least in this case,

because there is, as has been brought out here, the statute of Canada which is mentioned and set out in the Reid case, under which, under these circumstances, the plaintiff, so far as the laws of Canada were concerned, at any rate, acquired the status of a subject of Great Britain upon naturalization of his parents during his minority.

Now, on page 332 of the opinion in Perkins vs. Elg, in referring to a ruling of the Secretary of State, the Court says, quoting from that ruling, which was an opinion of 1888:

“But the general view held by this Department is that a naturalized American citizen by abandonment of his allegiance and residence in this country and a return to the country of his birth, *animo manendi*, ceases to be a citizen of the United States; and that the minor son of a party described as aforesaid, who was born in the United States during the citizenship there of his father, partakes during his legal infancy of his [210] father’s domicile, but upon becoming *sui juris* has the right to elect his American citizenship, which will be best evidenced by an early return to this country.”

Then again, on page 333, quoting from another ruling of the State Department:

“Although there is no express provision in the law of the United States giving election of citizenship in such cases, this department has always held in such circumstances that if a child is born of foreign parents in the United States, and is taken during minority to the country of

his parents, such child, upon arriving of age, or within a reasonable time thereafter, must make election between the citizenship which is his by birth and the citizenship which is his by parentage. In case a person so circumstanced elects American citizenship, he must, unless in extraordinary circumstances, in order to render his election effective, manifest an intention in good faith to return with all convenient speed to the United States and assume the duties of citizenship."

The writer of the opinion, Mr. Chief Justice Hughes, quotes at length these various rulings and directives [211] of the State Department. I am not going to read them all, of course, but on page 344 is another excerpt:

"The term 'dual nationality' needs exact appreciation. It refers to the fact that two States make equal claim to the allegiance of an individual at the same time. Thus, one State may claim his allegiance because of his birth within its territory, and the other because at the time of his birth in foreign territory his parents were its nationals. The laws of the United States purport to clothe persons with American citizenship by virtue of both principles."

"It thus becomes important to note how far these differing claims of American nationality are fairly operative with respect to persons living abroad, whether they were born abroad or were born in the United States of alien parents and taken during minority to reside in the

territory of States to which the parents owed allegiance. It is logical that, while the child remains or resides in territory of the foreign State claiming him as a national, the United States should respect its claim to allegiance. The important point to observe is that the doctrine of dual allegiance ceases, in American [212] contemplation, to be fully applicable after the child has reached adult years. Thereafter, two States may in fact claim him as a national. Those claims are not, however, regarded as of equal merit, because one of the States may then justly assert that his relationship to itself as a national is, by reason of circumstances that have arisen, inconsistent with, and reasonably superior to, any claim of allegiance asserted by any other State. Ordinarily the State in which the individual retains his residence after attaining his majority has the superior claim. The statutory law of the United States affords some guidance but not all that could be desired, because it fails to announce the circumstances when the child, who resides abroad within the territory of a State reasonably claiming his allegiance, forfeits completely the right to perfect his inchoate right to retain American citizenship. The department must, therefore, be reluctant to declare that particular conduct on the part of a person after reaching adult years in foreign territory produces a forfeiture or something equivalent to expatriation.

“The statute does, however, make a distinction [213] between the burden imposed upon the person born in the United States of foreign parents and the person born abroad of American parents. With respect to the latter, Section 6 of the Act of March 2, 1907, lays down the requirement that, as a condition to the protection of the United States, the individual must, upon reaching the age of 18, record at an American consulate an intention to remain a citizen of the United States, and must also take an oath of allegiance to the United States upon attaining his majority.

“The child born of foreign parents in the United States who spends his minority in the foreign country of his parents’ nationality is not expressly required by any statute of the United States to make the same election as he approaches or attains his majority. It is, nevertheless, believed that his retention of a right to demand the protection of the United States should, despite the absence of statute, be dependent upon his convincing the department within a reasonable period after the attaining of his majority of an election to return to the United States, there to assume the duties of citizenship. In the absence of a definite statutory requirement, it is impossible [214] to prescribe a limited period within which such election should be made. On the other hand, it may be asserted negatively that one who has long manifested no indication of a will to make such an

election should not receive the protection of the United States save under the express approval of the department.”

Now, it seems to me that under the principles announced in the *Elg* case, that it was incumbent upon the plaintiff here, upon reaching his majority, to within some reasonable time make an election as to whether he wanted to be a subject of Great Britain or a citizen of the United States, and that if he had remained in Canada for an extended period of time without making any election, that it would have to be assumed his election was to retain his nationality there, in the absence of some other action on his part indicating an election.

The statute which was enacted in 1940 of course is not applicable here, but it is interesting to note that had it been in effect at the time the plaintiff reached his twenty-first birthday, he would not be entitled to American citizenship, because then he would have had to make his election before he was twenty-three years of age, and it seems to me it is some indication [215] of what Congress at the time of enacting that Statute regarded as a reasonable time when they placed it, as an outside limit, as two years.

In this case the plaintiff, Mr. Ricketts, upon arriving at his twenty-first birthday, didn't do anything, as I recall the testimony, except the declaration to which his uncle testified, and I will refer to that in a moment, he didn't make any move to return to the United States until about two years and eight months after reaching his majority. He was

born in the United States in 1902, removed to Canada in 1910, his father became naturalized in Canada December 31, 1914, during the minority of the plaintiff, of course, and the plaintiff first returned to the United States, according to my notes, in October or November of 1925, at a time when he was about twenty-three years and eight months of age. He stayed at that time for six months in Spokane here, then went back to Canada for about an equal period, according to his testimony, at least on direct examination, then came back to the United States in the fall of 1926 and remained on that occasion four or five months, living in a different place in Spokane, and returned to Canada in the spring of 1927, and remained in Canada then until the year 1936, when he came back to Twisp.

Now, it is true that his uncle did testify that [216] he visited the home of the plaintiff in Canada, and that the plaintiff told him he considered himself an American, and intended to return to the United States, and the uncle said he thought, he wasn't sure, but he thought, he was about twenty-one years of age, but his best recollection as to the time when he made this visit was 1920 or 1921, which would be during the minority of the plaintiff, so at least there is so much doubt on that point that the Court could not find from that testimony that the plaintiff, after reaching his twenty-first birthday, made that declaration to the uncle. The weight of the testimony seems to be to the contrary. Declarations during minority may have some probative value as to what a person intends to do when they become of age,

but if it be so considered, it is at least counteracted, it seems to me, by the fact that the plaintiff during his minority held elective public office in Canada in connection with some school district or school matter there.

Now, just looking at this matter, it doesn't seem to me that these later declarations, made after controversy developed, are of very much value one way or the other. Of course, as to statements as to what his nationality was, I don't think the plaintiff could be expected to know. It is a very close and difficult question for attorneys and the Court to decide, as to [217] what his nationality was under the peculiar circumstances here, so that his opinion as to what his nationality might be would be of very little value, and his statement that he was a Canadian, not a Canadian citizen but a subject of Great Britain, a resident of Canada, in these later proceedings must be taken in connection with his testimony, I think, that he was trying to get back into Canada to make a legal entry and to get back here and get naturalized. He was trying to follow the procedure best adapted. They would only be material in throwing light on what his intentions were, and what election he made or must be assumed to have made within a reasonable time after becoming twenty-one. I don't think he could wait to make an election for ten, or even five years, or any considerable length of time, so the important thing is to determine what his intentions were as judged by his actions and his conduct at the time and shortly after he reached his twenty-first birthday.

As I say, he didn't come back to the United States, although it is not far. It wouldn't be difficult to do if he were staying in Canada only because he was required to, because his father was a subject of Great Britain and he had to live where his father did. He could very easily have immediately come back when he became twenty-one. He didn't do that. He waited two [218] years and eight months. If he had then come to the United States and established permanent residence we would have a different question. I think I would be inclined that that period was not unreasonable in which to make his election; but when he came down here, I don't think under the circumstances, because he now says he intended to establish permanent residence, that we can say he did intend that. The best indication is what he did, and what he actually did was stay here six months, go back for an equal period, come back for four or five months, and then go back and live in Canada nine years. For the first thirteen years the plaintiff only resided in the United States for eleven months, according to his own testimony, out of the first thirteen years following his majority.

Under those circumstances we can't say he did establish permanent residence or assume the duties of citizenship, or show his intention of assuming the duties of citizenship, prior to 1936, which was too long, it seems to me, for him to make an election.

We have the added circumstance that during the long period that he returned to Canada after his second visit here, he voted in a general election in Canada. The record doesn't show he ever voted in a

general election in the United States. I think it shows he voted [219] in some municipal matter at Twisp, but never in a general election in the United States. He did so in Canada.

Taking all of the circumstances into consideration, the Court feels constrained to hold, under the principles announced in *Perkins vs. Elg*, that the plaintiff in this case did not make an election to retain his American citizenship, and his petition, or the prayer in his petition, for declaratory judgment declaring him to be a citizen or national of the United States will be denied.

Mr. Young: Now, your Honor, my client is out on bond. I assume there will have to be some findings of fact, conclusions of law, and judgment entered, and I assume this bond he is under may be continued?

The Court: Yes, that may be done for any reasonable period until the case is finally concluded. You have no objection to that?

Mr. Erickson: No, I have no objection to that.

The Court: I think there should be findings. They will have to be prepared, presented and settled. In the meantime the plaintiff's bond may stand the same as it did before the announcement of the court's decision. [220]

REPORTER'S CERTIFICATE

United States of America,
Eastern District of Washington.

I, Stanley D. Taylor, do hereby certify:

That I am the regularly appointed, qualified and

acting Official Court Reporter of the District Court of the United States in and for the Eastern District of Washington.

That as such reporter I reported in shorthand the trial of the above-entitled cause before the Hon. Sam M. Driver, United States District Judge for the Eastern District of Washington, sitting at Spokane, Washington, on September 30, October 1 and October 2, 1946; that the above and foregoing is a full, true and correct transcript of the stenographic notes taken by me of the proceedings had therein, and that the same contains all objections made and the Court's ruling thereon.

Dated at Spokane, Washington, this 5th day of April, 1947.

/s/ STANLEY D. TAYLOR,
Official Court Reporter.

[Endorsed]: Filed April 7, 1947. [221]

DEFENDANT'S EXHIBIT No. 2

Form No. I-55

U. S. Department of Justice
Immigration and Naturalization Service

Central Office File No. 55973/230

Alien Registration No. 5959545

Field File No. 9012/7999

General Information Form

The information requested of you in this form is required to assist the Government in deciding upon your application. Your application cannot be granted unless you cooperate with the Government by giving this information as completely as you can. You must file with your application two copies of this form filled out and sworn to before a notary public or an immigrant inspector.

If you wish, you may take an extra copy of the form to use while you are securing the information. Then, when you are sure that you have answered all the questions clearly on this sample form, you may copy your answers on the forms which are to be filed.

Any immigration officer or the representative of any social service agency will be glad to explain the questions to you and assist in filling out this form. The answers to the questions, however, must be your own answers and not those suggested to you by any other person. If you do not have room to answer certain of the questions in the space provided, you will find two blank sheets at the end of the form

Defendant's Exhibit No. 2—(Continued)

on which you may also write. If you write on these blank sheets, however, be sure to give the number or numbers of the questions which you are answering.

Be sure to answer every question. If you do not know the answer to certain of the questions and cannot find out, write "I do not know," and then explain why you cannot secure the information.

Your attention is called to section 22 (c) of the Immigration Act of 1924, which provides that whoever knowingly makes under oath any false statement in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than 5 years, or both. Your answers to any of the questions in this form may be used as evidence in any proceedings to determine your right to enter, reenter, pass through, or reside in the United States. False answers to any of the questions may result in the denial of your application.

1. (a) What is your name? William Wade Ricketts.
- (b) Under what name did you last enter the United States? William Wade Ricketts.
- (d) By what names have you also been known? (Include professional names or any other names by which you have been known.) Ward Richards, Walter Richards.

Defendant's Exhibit No. 2—(Continued)

2. Have you been registered and fingerprinted in accordance with the provisions of the Alien Registration Act, 1940? Yes. If so, what is your alien registration number? Not yet received.
3. (a) At what address in the United States are you living at present? 110 N. Division St., Spokane, Wash.
(b) What is your present permanent residence (either in the United States or in a foreign country)? (If you have no permanent residence write "None.") 110 N. Division St., Spokane, Wash., U.S.A.
(c) What is your present post-office address in the United States? 110 N. Division St., Spokane, Wash.
4. (a) What is your race? White.
(b) In the following indicated spaces state your sex, height, weight, color of hair and eyes, and visible distinctive marks, if any: Male; Height, 5 feet 8½ inches; weight, 146 lb.; Brown hair; Grey eyes; distinctive marks, crushed right index finger.
5. (a) When were you born? Feb. 3, 1902.
(b) Where were you born? In or near the town or city of Hydro in the province or state of Oklahoma in the country of U.S.A.
6. (a) Of what country are you a citizen or subject? Canada (British Subject).
(b) How did you acquire your present citizenship? (Check in appropriate square.) By

Defendant's Exhibit No. 2—(Continued)

birth : Naturalization : Otherwise [x] acquired my Canadian Citizenship through my fathers Naturalization in Canada while I was a minor child.

(c) If you are a naturalized citizen of any country, state the place and date of your naturalization: N. Battleford, Sask., July 15, 1915.

7. Have you previously been a citizen of any other country? Yes. If so, list on table below the country or countries of which you have been a citizen, the periods of your citizenship in each and the methods by which you acquired such citizenship.

Country—U.S.A.

Period of Citizenship—From 1902 to 1910.

Method of Acquiring Citizenship—Birth.

8. (a) What is your father's full, true name?
Seigle Ricketts.

(b) Where was he born? Redoak, Iowa, U.S.A.

(c) When was he born? June 22, 1863.

(d) Where does he now live? Not living.

(e) Of what country is he at present a citizen? (was)—Canada.

9. (a) What is your mother's full, true name?
Emma Shepard.

(b) Where was she born? Peoria, Ill., U.S.A.

(c) When was she born? March 16, 1871.

(d) Where does she now live? Not living.

Defendant's Exhibit No. 2—(Continued)

(e) Of what country is she at present a citizen? (Was) Canada.

10. In what places have you resided for more than 1 year at a time since the time of your birth?

City or Town	Province or State	County	From		To	
			Month	Year	Month	Year
Hydro	Okla.	U.S.A.	Feb.	1902	July	1910
Mullingar	Sask.	Canada	July	1910	Dec.	1925
Ensign	Alta	Canada	Dec.	1925	Oct.	1934
Airdrie	Alta	Canada	Oct.	1934	July	1936

(If needed, use blank sheet at the end of form and mark your answer "Question 10")

Defendant's Exhibit No. 2—(Continued)

11. In the table below, state the facts concerning all of your entries into and departures from the United States. If you cannot remember the exact date of an entry or a departure, give the closest approximation.

Be sure in all cases to list your first and last entries into the United States.

List, also, all other entries and departures which you have made, with the following exceptions:

(a) List only such trips to Canada or Mexico in which you were out of the United States more than 1 month;

(b) If you are or have been residing in Canada or Mexico and have made short visits to the United States, list only those visits in which you were in the United States more than 1 month.

(c) If you are or have been a seaman, list only the first and last of your entries into or departures from the United States as a seaman. Be sure to list all other entries and departures, however.

In all cases in which you omit to list entries and departures under exceptions (a), (b), and (c) above, explain in general the nature, period, and frequency of such entries and departures in the space provided below the table.

ENTRIES INTO THE UNITED STATES

Place of entry into United States	Means of transportation (If by ship give name. If you cannot remember name of ship give name of steamship line.)	Approximate date of entry (Be as accurate as possible)			Were you inspected and admitted by immigration officers? Answer yes or no	State (yes or no) whether you were in possession of passport. If "yes" state name of government which issued passport	State whether you were in possession of immigration visa, nonimmigrant visa, transit certificate, Border pass, or other document permitting border crossing, and if other document, describe	State whether you traveled as passenger or if otherwise, state how	Were you admitted as permanent resident, visitor in transit, government official, student, treaty merchant seaman, or if otherwise (Specify)	Place of departure from the United States	Destination (country)	Means of transportation (If by ship give name. If you cannot remember name of ship give name of steamship line.)	Approximate date of entry (Be as accurate as possible)			State (yes or no) whether at the time of your departure you intended to reside permanently abroad
		Month	Day	Year									Month	Day	Year	
Eastport, Idaho	Spokane Int. R.R.	June	12	1926	Yes	No	None	Passenger	Visitor	Eastport, Ida.	Vancouver, B. C.	Spokane Int. R.R.	July	22	1926	No
Eastport	Spokane Int. R.R.	Dec	15	1926	Yes	No	None	Passenger	Visitor	Eastport, Ida.	Blaine, Alta.	S. I. R. R.	Mar	31	1927	Yes
Oroville, Wash.	Greyhound Bus	Sept	10	1936	Yes	No	Limited Entry Cert.	Passenger	Visitor	Oroville, Wn.	Ensign, Alta.	Private Auto	June	1	1937	No
Cascade, Wn.	Auto Passenger	June	17	1937	Yes	No	Limited Entry Cert.	Auto Passenger	Visitor	Blaine, Wn.	Kamloops, B. C.	Private Auto	Oct	27	1937	No
Babb, Mont.	Walking	Dec	6	1939	No	No	None	Walked across line alone	No	Blaine, Wn.	Vancouver, B. C.	Bus Line	June	17	1938	No

Explain here the nature, period, and frequency of entries and departures omitted under exceptions (a), (b), and (c) of the instructions at the top of the page. If necessary use blank sheets at end and mark your answer Question 11.

Defendant's Exhibit No. 2—(Continued)

15. Since you last entered the United States, have you applied for an immigration visa for the purpose of residing permanently in the United States? No.
16. (a) Are you in possession of a passport? No.
(b) If you have no valid passport, or if your passport will expire within 60 days from the date you file this form, have you applied for the issuance or renewal of a passport? No.
17. Have you ever been debarred from entry into the United States or been deported, or required to depart from the United States in lieu of deportation, or been, to your knowledge, the subject of an investigation by the immigration authorities? Yes.

If your answer is in the affirmative, explain the circumstances fully in the following space: Entered the U. S. A. June 1937 at Cascade, Wn., on visitors permit, started in business in Twisp, Wn., and decided to remain permanently. Wrote superintendent of immigration Wycoff of Spokane and also went to see him personally and he sent me to the American Consul at Vancouver, B. C.

I was refused a visa because I had no birth certificate at that time and also on the grounds that I would become a public charge. I subsequently entered the U.S.A.

Defendant's Exhibit No. 2—(Continued)

illegally was arrested, jailed & deported, June 16th, 1938.

18. (a) Are you married ; single ; widowed ; divorced []; married but separated ? Check in appropriate square.)
19. List on table below the facts requested as to all of your marriages (including your present marriage) and give the citizenship status (during the period you were married to them) of each of your wives or husbands.
- (a) Name of husband or wife—Edith B. Ryan Ricketts.
- (b) Date of marriage—Oct. 31, 1940.
- (c) Approximate date of dissolution of marriage—Apr. 1st, 1942.
- (d) How was marriage dissolved: By death, divorce, annulment, or otherwise? Divorce.
- (e) Place of dissolution of marriage—Spokane, Wn.
- (f) Country of citizenship of husband or wife during marriage. U. S. A.
- (g) How did husband or wife acquire such citizenship: Birth, naturalization, or otherwise?—Birth.
- (h) Approximate date on which citizenship was acquired—Sept. 12, 1900.
20. If you have any living children by any of your marriages, state their names, ages,

Defendant's Exhibit No. 2—(Continued)

places of birth, and places of residence in the following table. In the last column state (Yes or no) whether or not each child is totally dependent upon you for support. If any child is only partially dependent upon you, write "In part" in the last column of the table and explain below. If any of your children are attending school in the United States, list below the names and addresses of the schools. None. Explain here the amount you are contributing to the support of any child or children who are partially, rather than totally, dependent upon you. None.

21. What brothers, sisters, aunts, uncles, or first cousins have you in the United States?

Name—Wayne C. Ricketts.

Address—Winlock, Wn.

Relationship—Brother.

Country of Citizenship—U. S. A.

22. What brothers, sisters, aunts, uncles, or first cousins have you living abroad?

Name	Country Where Living	Relationship	Country of Citizenship
Clyde E. Ricketts	Canada	Brother	Canada
Boyd C. Ricketts	Canada	"	Canada
Noel G. Ricketts	Canada	"	Canada
Forrest G. Ricketts	Canada	"	Canada
Roy R. Ricketts	Canada	"	Canada
Claude K. Ricketts	Canada	"	Canada
Grace E. Ricketts	Canada	Aunt	Canada

Defendant's Exhibit No. 2—(Continued)

23. Give the names and addresses of three of your close friends in the United States:

Name	Address
Melvin C. Roberts	Globe Hotel, Spokane, Wn.
Mr. Harrold Gubbser	Gubby's Food Market, Spokane
Mr. Albert Cull	Sherwood Bldg., Spokane

24. What educational institutions have you attended?

Name of Institution	Address
Public School	Hydro, Oklahoma
Public School	Mullingar, Sask., Can.

25. What university degree (if any) do you hold? None.
26. Are you at present employed in the United States on work relief projects or otherwise? Yes.
27. In the table below give the facts requested regarding any employment you have had in the United States during the past three years:

Name and Address of Employer	Nature of Work	Earnings Per Week (approximate)	Period of Employment	
			From Month Year	To Month Year
Wm. Muhley, Newport, Wn...	Cafe Cook	\$25.00	May 1941	Aug. 1941
Operated my own business from Aug. 1941 to present date		\$25.00	Aug. 1941	July 1943

28. In the table below give the facts requested

Defendant's Exhibit No. 2—(Continued)
concerning the last three positions of employment you have held abroad:

Name and Address of Employer (Country)	Nature of Your Work	Earnings Per Week (approximate)	Period of Employment			
			From— Month Year	To— Month Year		
Clifford Farr Iirdrie, Alta Canada	Farm Hand	\$15.00	June 1935	Oct. 1935		
Ernest Wagner Innisfail, Alta Canada	Milk Wagon Operator	\$25.00	Oct. 1935	May 1936		
Fred Arnold Irriana, Alta Canada	Farm Hand	\$20.00	May 1936	July 1936		

29. Is it necessary for you to accept employment to sustain yourself or those dependent upon you while you are in the United States? No. Why, or why not? Operate my own business. If your answer is "No," state approximately how long you will be able to sustain yourself or your dependents without accepting employment—Always.

20. For what types of employment are you qualified? Farming, Cafe Operating, Lumbering and general business of any kind.

32. Have you been engaged in business for yourself in the United States? Yes. If so, fill in the following table:

Name of Concern (Formerly)	Address	Nature of Business	Monthly	Period	
			Income You Derive	From— (Year)	To— (Year)
Antelers Cafe	Twisp, Wn.	Cafe	\$100.00	1937	1938
Metaline Cafe	Metaline Falls, Wn.	Cafe	\$100.00	1941	1942
Empire Cafe	110 Division St., Spokane Wn.	Cafe	\$125.00	1942	1943

Defendant's Exhibit No. 2—(Continued)

33. Have you been engaged in business for yourself abroad? Yes. If so, fill in the following table:

Name of Concern	Address	Nature of Business	Monthly Income You Derive	Period	
				From— (Year)	To— (Year)
Farm	Vulean, Alta, Can.	Wheat growing	\$100.00	1928	1930
Kinema Lunch	Calgary, Alta.	Cafe	\$100.00	1938	1939

34. What is your approximate total average from all sources? \$125.00. What are the sources of your income? Operation of Empire Cafe at 110 N. Division St., Spokane, Wn.

35. Of what do your assets in the United States consist?

In Old National Bank, located at Old National Bank Bldg., Riverside, Spokane, cash in the sum of..... \$ 750.00
 Value of interest in furniture and personal effects in your home..... 2000.00
 Cash surrender value of insurance.... 500.00

Total Assets \$3250.00

36. Of what do your assets abroad consist? None.

Total Assets \$3250.00

Are these assets available for your support?
 Yes.

Why, or why not? Can withdraw cash from bank and turn other assets into cash.

37. Have you received assistance in the United States from any public relief agencies? No.

38. Have you received medical attention in the United States during the past 2 years? No.

Defendant's Exhibit No. 2—(Continued)

39. Have you ever been arrested for any reason whatever abroad? No.

40. Have you ever been arrested for any reason whatever while in the United States? Yes. If so, fill in the following table:

Date of Arrest	Place of Arrest	Nature of Offense	Disposition: Including
			Sentences Imposed and Facts Regarding Parole
Mar. 2, 1938	Twisp, Wn.	Illegal Entry	10 days in jail & deportation
July 22, 1943	Spokane, Wn.	Illegal Entry	Untried

41. Are you, or have you ever been:

(a) An anarchist? No.

(b) A person, who, or a member or affiliate of an organization or group which advocates, or teaches anarchism or opposition to all organized government, or the unlawful destruction of property? No.

(c) A person who advocates, teaches, writes, circulates, or possesses for the purpose of circulating, written matter advising, advocating or teaching opposition to all organized government, or the overthrow by force or violence of the Government of the United States (or of all forms of law, or the duty, necessity or propriety of the unlawful assaulting or assassination of public officials or of any officer or officers, specifically or generally, of the Government of the United States or of any other organized government, or the unlawful damage, injury or destruction of property, or sabotage? No.

Defendant's Exhibit No. 2—(Continued)

- (d) A member or affiliate of any organization or group that writes, circulates, or possesses for the purpose of circulating, any written or printed matter advising, advocating or teaching any of the doctrines described in Questions 41 (b) or 41 (c)?
No.
- (e) A person who has given, loaned, or promised money or anything of value to any organization or group of the character described in Questions 41 (b) or 41 (d) or for use in the advocacy or teaching of any of the doctrines described in Questions 41 (b) and 41 (c)? No.
- (f) A prostitute? No.
- (g) An inmate of or person connected with the management of a house of prostitution? No.
- (h) A person who receives, shares in, or derives benefit from any part of the earnings of any prostitute? No.
- (i) A person employed by, in, or in connection with any house of prostitution or music or dance hall, or any other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather? No.
- (j) A person who assisted a prostitute, or who protected or promised to protect a prostitute from arrest? No.
- (k) A person who imported or attempted to import to the United States any person

Defendant's Exhibit No. 2—(Continued)

for the purpose of prostitution or for any other immoral purpose? No.

- (l) A person who has, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any alien to enter or to try to enter the United States in violation of law? No.
 - (m) A person with any mental defect or disorder? No.
 - (n) A chronic alcoholic? No.
 - (o) A person suffering from tuberculosis? No.
 - (p) A person suffering from any loathsome or dangerous contagious disease? No.
 - (q) A polygamist? No.
42. (a) Have you registered under the Selective Training and Service Act of 1940? Yes. If so, give the number and address of your Local Board—Board No. 4, Armory Bldg., Spokane, Wn.
What is your Order No.? 10559.
- (b) Have you previously served in the armed forces of the United States? No.
 - (c) Have you ever served in the armed forces of a foreign country? No.
43. Have you informed a consulate of any foreign country of your presence in the United States? No.
44. Have you in the past reported or collected information, or are you now reporting or collecting information, or do you intend to report or collect information for or to be submitted, directly or indirectly, to an

Defendant's Exhibit No. 2—(Continued)

- embassy, legation, consulate, or other representative of a foreign government, a foreign political party, society, organization, or association? No.
45. Have any of your trips or activities in the United States been undertaken, directly or indirectly, at the suggestion or order of a foreign government, government official, organization, or society? No.
46. While in the United States have you ever acted, are you now acting, have you agreed to act, or do you intend to act, directly or indirectly, for pay or on a voluntary basis, as a public relations counsel, publicity agent, servant, representative, agent, attorney, or in any other capacity for or in the interest of a foreign government, a foreign government official, a foreign political party or of a corporation, association, organization, business, partnership, or society which is organized under the laws of a foreign country or subsidized directly or indirectly by a foreign government, foreign government official, or by a foreign corporation, association, organization, business, partnership, society, or political party? No.
47. Have any of your immediate relatives in the United States (including wives, husbands, parents, brothers, sisters, or children) acted, are they now acting, have

Defendant's Exhibit No. 2—(Continued)

they agreed to act, or do they intend to act, directly or indirectly, for pay or on a voluntary basis, as a public relations counsel, publicity agent, servant, or representative, agent, attorney, or in any other capacity for or in the interest of a foreign government, a foreign government official, a foreign political party or of a corporation, association, organization, business, partnership, or society which is organized under the laws of a foreign country or subsidized directly or indirectly by a foreign government, foreign government official, or by a foreign corporation, association, organization, business, partnership, society, or political party? No.

48. (a) At any time while you have been in the United States have you, in the political interest, on behalf of the public policy or in the furtherance of the public relations of a foreign government or foreign political party, distributed or disseminated information, statements, or propaganda by public speeches, radio addresses, printed material, or otherwise? No.
- (b) Are you now engaged in any of the activities described in Question No. 48 (a)? No.
- (c) Do you intend to engage in any of the activities described in Question No. 48 (a)? No.

Defendant's Exhibit No. 2—(Continued)

49. Have you ever supported, are you now supporting, or do you intend to support, by financial contribution or in any other way, any agency, organization, association, or corporation, which in the political interest, on behalf of the public policy or in furtherance of the public relations of a foreign government or a foreign political party, is directly or indirectly engaged in distributing or disseminating information, statements, or propaganda by public speeches, radio addresses, printed material, or otherwise? No.
50. (a) Have you ever held, or do you now hold a position in the employ or service of a foreign government? No.
- (b) Was your last entrance into the United States in any way cause by or connected with any such governmental position? No.
51. Have any of your relatives (including wives, husbands, parents, brothers, sisters, or children) ever held, or do they now hold any position in the employ or service of a foreign government? No.
52. While you have been in the United States, of what organizations have you been a member and what have been the periods of your membership?
 Name of Organization—Cooks & Waiters Union, Local 400 A.F.L.
 Address—Empire Bldg., Spokane.
 From—Feb., 1942. to July, 1943.

Defendant's Exhibit No. 2—(Continued)

53. Of the organizations you have listed in your answer to Question No. 52, are any of them directly or indirectly subsidized by, or do any of them have as one of their purposes the furthering of the interests, political activities, public relations, or public policy of a foreign government, foreign government official, or foreign organization? No.
54. Have you ever been, or are you at present a member of or affiliated with, any foreign political parties? No.
55. Would you be subject to racial, religious, social, or political persecutions if you were now in your native country or the country of your citizenship? No.
56. Have any of your relatives been imprisoned or persecuted for racial, religious, social, or political reasons by any foreign government, foreign government official, or foreign political party or organization? No.
57. (a) What person in the United States, apart from yourself, has the most personal knowledge of the facts you have stated in filling out this form? Elizabeth Meadows, Empire Hotel, Spokane, Wn.
- (b) How long have you known this person? 3 years.
- (c) What is this person's relationship to you? My secretary and assistant.

Defendant's Exhibit No. 2—(Continued)

58. Were you assisted in whole or in part in filling out this form? No.

Read Carefully. This Is a Part of
Your Sworn Statement

I am aware that the act of June 8, 1938, as amended (52 Stat. 631; 53 Stat. 1244), provides among other things that every person who acts, engages in or agrees to act as a public relations counsel, publicity agent, or as agent, servant, representative, or attorney for the government or a political party of a foreign country, a person domiciled abroad, any foreign business, partnership, association, corporation, or political organization, or a domestic organization subsidized directly or indirectly in whole or in part by any of such entities or who receives compensation from or is under the direction of any of the foregoing shall, with certain exceptions, file with the Secretary of State a registration statement as prescribed therein.

I am aware that this act exempts among others a duly accredited diplomatic or consular officer of a foreign government only if so recognized as such by the Department of State of the United States, and any official other than an American citizen, of a foreign government recognized by the United States as a government, or member of the staff or person employed by a duly accredited diplomatic or consular officer of a foreign government who is so recognized by the Department of State, other than a public relations counsel or publicity agent, only if the status and the character of the duties as such official, member of staff, or employee are of

Defendant's Exhibit No. 2—(Continued)
record in the Department of State.

I am further aware that any person who wilfully fails to file any statement required to be filed under this act, or in compliance with the provisions of this act, makes a false statement of material fact, or willfully omits to state any material fact required to be stated therein shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars or imprisonment for not more than 2 years, or both.

I am submitting this General Information Form in connection with an application for (check one or more):

Permission to depart from the United States at my own expense in lieu of deportation;

The privilege of pre-examination.

I am aware that any statements I have made in answer to the questions in this form may be used as evidence in any proceeding to determine my right to enter, reenter, pass through, or reside in the United States, and that false answers to any of the questions asked me herein may bar me from the relief which I have requested in my application.

I have read my answers to the questions on this General Information Form and swear (affirm) that they are true of my own knowledge, except as to my answers to Question 5 (a) (b), 8 (b) (c) (e), 9 (b) (c) (e), 41 (m) (o) (p), 47, 51, 53, 55, 56,

Defendant's Exhibit No. 2—(Continued)
and 57 (a), which I swear (affirm) are true to the
best of my information and belief.

WM. WADE RICKETTS,
Signature of Applicant.

Subscribed and sworn to (affirmed) before me,
this 2nd day of August, 1943.

JAMES E. SULLIVAN,
Immigrant Inspector.

Question 10 Continued

Twisp, Wn.	U.S.A.	Sept. 1936 to June 1938
Calgary, Alta	Can.	Nov. 1938 to Dec. 1939
Spokane, Wn.	U.S.A.	Dec. 1939 to July 1943

DEFENDANT'S EXHIBIT No. 14
Form 607

U. S. Department of Labor
Immigration Service

File No. 9012/7999. Report of Hearing in the
Case of William Wade Ricketts.

Under Department warrant No. Telegraphic.
Dated March 1, 1938. Hearing conducted by S. H.
Stewart, Immigrant Inspector, at Spokane, Wash-
ington. Date, March 3, 1938.

Alien taken into custody at (Place) Twisp, Wash-
ington, on (Date and hour) March 1, 1938, at 7:00
p.m., by Frank S. Nooney, Immigrant Inspector,
and (state if released on own recognizance or bail,
or if detained, where) temporarily detained Chelan
County Jail, Wenatchee, Wash. On March 2, 1938,
conveyed to Spokane, Wash., and detained in Spo-
kane County Jail.

Testimony taken and transcribed by Peter Szam-
belan, Clerk.

Defendant's Exhibit No. 14—(Continued)

Said William Wade Ricketts, being able to speak and understand the English language satisfactorily, no interpreter was employed (if other than regular Government employee, state as to being first duly sworn).

Said William Wade Ricketts was informed that the purpose of said hearing was to afford him an opportunity to show cause why he should not be deported to the country whence he came, said warrant of arrest being read and each and every allegation therein contained carefully explained to him. Said alien was offered an opportunity to inspect the warrant of arrest and the evidence upon which it was issued, which privilege was accepted. The alien being first duly sworn (if not sworn, state reason) the following evidence was presented:

Q. What is your correct name?

A. William Wade Ricketts.

Q. Have you ever been known by another name?

A. No.

Q. You are advised that under these proceedings you have the right to be represented by counsel of your own selection which may be an attorney at law or any person of good character and reputation. Do you desire to be represented by counsel?

A. No.

Q. Are you will then to waive your right to be represented by counsel and are you willing to proceed with this hearing without counsel?

A. Yes.

Q. Please state the date and place of your birth?

A. February 2, 1902, at Hydro, Oklahoma. [247]

Defendant's Exhibit No. 14—(Continued)

Q. What was your father's name and birthplace?

A. His name was Seigle Ricketts and I think he was born in Red Oak, Iowa. I am not sure about that.

Q. What was your mother's maiden name and birthplace?

A. Emma Sheppard. She was born at Bartonville, Illinois.

Q. Where are your parents now?

A. My mother is dead and my father is living at Mullingar, Saskatchewan.

Q. When and where did your mother die?

A. At Mullingar, Saskatchewan, 29th of January last year.

Q. Have you any brothers or sisters?

A. Yes, seven brothers, no sisters.

Q. What are their names, approximate dates of birth, places of birth and present addresses?

A. Clyde Elmer Ricketts.

Q. How old is he now?

A. Approximately 45.

Q. He was born where?

A. Peoria, Illinois.

Q. Where is he now?

A. At Metting Lake, Saskatchewan.

Q. Next?

A. Wayne Charles Rickets, the second one, 42, now at Newport, Washington, born at Peoria, Illinois.

Q. Next?

A. Floyd Ricketts, 39 I guess, lives at Battleford, Saskatchewan, born Hydro, Oklahoma.

Defendant's Exhibit No. 14—(Continued)

Q. Next?

A. Noel Ricketts. I can't give you the addresses of these first two boys I named. Noel is 34. He is at Mullinger, Saskatchewan.

Q. Where was he born?

A. Hydro, Oklahoma.

Q. Next? A. Glenn Ricketts.

Q. Born where?

A. Hydro, Oklahoma; approximately 30 I imagine, now at Calgary, Alberta.

Q. What is the street address?

A. I can't give you his street address.

Q. Next? A. Raymond Ricketts.

Q. Age and place of birth?

A. He would be about 26 or 27; born in Hydro, Oklahoma.

Q. Present address?

A. Mullingar, Saskatchewan.

Q. Next?

A. Claude Ricketts, born at Mullingar, Saskatchewan, he is 25, his present address is Mullingar, Saskatchewan.

Q. Of what country are you now a citizen?

A. Canada.

Q. Of what race are you?

A. Scotch-Irish.

Q. How did you become a citizen of Canada?

A. Through my father's naturalization while I was a minor. [248]

Q. Where and when was your father naturalized?

A. At Battleford, Saskatchewan, about the year 1914 or 1915. I can't give the exact date.

Defendant's Exhibit No. 14—(Continued)

Q. Are you sure that is the year?

A. What I am basing it on is this, he homesteaded in 1910 in Saskatchewan and they must take out their title patent inside of five years.

Q. It was three years?

A. But you could get an extension of two years. I am rather sure my father did.

Q. When did you emigrate to Canada from the United States? A. In July, 1910.

Q. Where did you enter Canada?

A. At Emerson, Manitoba.

Q. Who was with you at that time?

A. Father and mother and my brothers.

Q. All of your brothers who were born in the United States? A. Yes, the whole family.

Q. Did you move horses and machinery?

A. Yes. My father took a stock car up and we went by passenger train, my mother and brothers.

Q. Did you ever become naturalized in Canada in your own right? A. No, never.

Q. Did you ever take an oath of allegiance to the British government or Canadian government?

A. No.

Q. Since becoming naturalized in Canada have you ever in any manner forfeited that citizenship?

A. No.

Q. Have you lived in Canada all of the time since you emigrated to that country in 1910?

A. No, I have been down in the States for a few months at a time, temporarily.

Q. But your permanent home has been in Canada all of the time since 1910? A. Yes.

Defendant's Exhibit No. 14—(Continued)

Q. Do you own any property in Canada?

A. No.

Q. Have you ever held any property there, any land or real estate? A. No.

Q. What property have you held?

A. Stock and machinery.

Q. Where?

A. At Mullingar, Saskatchewan and at Vulcan, Alberta.

Q. Did you rent land? A. Yes.

Q. When did you leave Mullingar, Saskatchewan?

A. I left Mullingar at about the 3rd of October, 1930, the last time I left there.

Q. Where did you go then?

A. To Ensign, Alberta.

Q. What did you do there?

A. I worked as a farm laborer.

Q. How long did you live there?

A. I lived there four years.

Q. Who did you work for?

A. Martin Jensen and Al Hage. [249]

Q. And who else?

A. I worked for a number of people for odd times. Those two would be the main ones.

Q. That would be up until about 1934?

A. Yes.

Q. Then where did you go?

A. To Airdrie, Alberta.

Q. What did you do there?

A. I worked on a threshing machine and as a harvest hand for Tom Farr and Clifford Farr.

Defendant's Exhibit No. 14—(Continued)

Q. How long were you there?

A. I was there three or four months.

Q. And then where did you go?

A. To Dalemead, Alberta.

Q. What did you do there?

A. I looked after a herd of beef cattle for the McKinnon Brothers.

Q. How long were you there?

A. About four or five months.

Q. What made you smile when you spoke of that?

A. I was just keeping track of the various places I was working.

Q. Where did you go from there?

A. Black Diamond, Alberta.

Q. What did you do there?

A. Drove a milk wagon for Ernest Wegener.

Q. How long were you there?

A. Approximately four months.

Q. Then where did you go?

A. Back to Airdrie and worked for Clifford Farr.

Q. How long did you work there?

A. The balance of the fall, three or four months.

Then I went to Innisfail.

Q. Who did you work for there?

A. I worked for, I can't think of his name now.

Q. How long were you there?

A. Six months I believe, exactly six months. I was driving a milk wagon there too.

Q. Then where did you go?

Defendant's Exhibit No. 14—(Continued)

A. I went to Irricana, Alberta. I worked there approximately 2½ months.

Q. For who?

A. For Mrs. Fred Arnold, as farm laborer.

Q. Then where did you go?

A. To Kamloops, B. C.

Q. How long did you stay there?

A. Seven weeks.

Q. Where did you go from there?

A. To Twisp, Washington.

Q. When was that?

A. I crossed the line at Oroville I believe it was the 6th of September 1936.

Q. Were you inspected at that time by a U. S. immigrant inspector? A. Yes.

Q. How were you admitted?

A. I was admitted for a two weeks visit as a visitor.

A. Did you return to Canada within the two weeks?

A. No, I didn't. I stayed until I believe it was in December, about the 8th of December I believe I went back to the line. I had some correspondence— [250]

Q. Did you apply for an extension of your temporary stay?

A. No, I did not exactly. I wrote to Brunner up at Oroville, the inspector at Oroville and I told him I would come to see him personally on the 8th of December, I believe.

Q. Then when did you go back to Canada?

A. I went back to Oroville approximately the

Defendant's Exhibit No. 14—(Continued)
8th of December 1936 and applied for a six months extension and was granted a six months extension.

Q. And that was good then until June 1937?

A. Yes.

Q. Then did you go back to Canada in June 1937? A. Yes.

Q. Then when did you next enter the United States?

A. I entered the States on the 14th of—I went back about the first of June but my time was up on the 8th. I came back across the line at Cascade on the 14th of June, I believe it was, 1937.

Q. You mean at Laurier, Washington?

A. Yes.

Q. You were admitted for a three months temporary visit? A. Yes.

Q. Why did you not enter the United States through Oroville?

A. I was visiting friends at Rossland and naturally that was the closest port and I was coming down to Newport to see my brother as well.

Q. Did you go back within the three months?

A. No. Then I applied for a temporary extension.

Q. What happened then?

A. I applied, I wrote to Laurier to the official there and he referred my letter to Mr. Wyckoff. I came in to see him personally and he told me to go to Vancouver.

Q. He told you it would be necessary to leave the United States? A. Yes.

Defendant's Exhibit No. 14—(Continued)

Q. You were in business at Twisp?

A. Yes, from the first of August.

Q. Had you been in business at Twisp before that time?

A. No, I was just visiting there.

Q. You were visiting there at Twisp for several months? A. Yes.

Q. Who were you visiting?

A. Richard Horn.

Q. You mean he boarded you all that time for nothing? A. Not for nothing.

Q. Did you pay him board? A. Yes.

Q. Weren't you working in the restaurant at Twisp?

A. I was in the restaurant and helped out. I just went and helped them out temporarily but I wasn't employed in the restaurant.

Q. When did you acquire an interest in that restaurant there?

A. The first of August 1937.

Q. Who were you in partnership with?

A. Mrs. Agnes Miller. [251]

Q. Did you buy an interest in it? A. Yes.

Q. How much did you invest in it?

A. \$50.00. Previously the restaurant and everything had belonged to Richard Horn who is a brother of Mrs. Miller and then he sold out to another party. We had been working there for her brother and she and I leased the restaurant and have been running it in partnership since.

Q. Did you return to Canada at Mr. Wycokoff's suggestion? A. Yes.

Defendant's Exhibit No. 14—(Continued)

Q. When did you leave the United States?

A. I left at Blaine, Washington, I think it was the 25th of October 1937.

Q. Were you going to Vancouver?

A. Yes, I was going to Vancouver to apply for a proper visa to enter this country.

Q. For permanent residence? A. Yes.

Q. Did you apply for a visa?

A. Yes, I did but I did not have the necessary papers for them to grant me one so I talked it over with the American Consul and he told me to go to the Immigration official and I thought I had to come back to my business and he told me to go to the Immigration officials and ask for permission to come back temporarily until I could get these papers which he required.

Q. And what happened?

A. I was refused admittance. I have a copy of their board decision if you wish to see it.

Q. Was that upon the ground that you were not in possession of an unexpired immigration visa?

A. Yes, that is the sole reason for exclusion.

Q. At the time of that exclusion were you warned, informed that you could not enter the United States within a year unless you got special permission from the Secretary of Labor?

A. Yes.

Q. Were you warned as to the penalty for entering the United States without permission from the Secretary of Labor?

A. No, I wasn't warned as to the penalty.

Defendant's Exhibit No. 14—(Continued)

Q. But you were warned that it was illegal to enter the United States unlawfully? A. Yes.

Q. What happened after that?

A. I had to get back to my business and I drove from Vancouver to Kamloops and from Kamloops to Osoyoos, B. C. I left my car there and waited until the middle of the night and walked across the line.

Q. Osoyoos is the Canadian port immediately opposite Oroville, is it not. A. Yes. [252]

Q. Just where did you enter the United States?

A. I should judge within a mile west of the immigration office. I just walked over the hill.

Q. Why did you enter in that manner?

A. Because I didn't believe they would enter me if I applied properly.

Q. Were you inspected by a U. S. Immigrant inspector at the time of that entry? A. No.

Q. Did you deliberately elude examination and inspection by U. S. immigration officers?

A. Yes, I imagine you would call it that.

Q. Where did you go to? A. To Twisp.

Q. At the time of that entry were you in possession of an unexpired immigration visa?

A. No.

Q. How much money had you?

A. I had approximately \$50 to \$75.

Q. How did you get your car into the United States? A. I sent a friend up to get it.

Q. Who was the friend?

A. Mrs. Agnes Miller.

Defendant's Exhibit No. 14—(Continued)

Q. Did she go up and get the car?

A. Yes.

Q. Did she know that you entered the United States illegally?

A. I hadn't entered the States yet. I made a misstatement and I should correct it. I brought my car to Osoyoos and I went back to Vernon and stayed there about a week. I left my car at Osoyoos. I notified her by mail to come and get the car. Then I came down alone.

Q. Did you tell her in the letter why you wanted her to come up and get the car?

A. No. I told her I was returning to Canada.

Q. On what date did you enter the United States?

A. It was approximately the 3rd or 4th of November 1937. I think it was a day after she got the car.

Q. Was it your car or her car?

A. It is a partnership car. It is in my name but is a partnership car.

Q. After coming to Twisp did you tell her that you had entered unlawfully? A. No.

Q. Did you tell her later on that you had?

A. Yes.

Q. How long ago? A. About ten days ago.

Q. You told her that you entered unlawfully?

A. Yes.

Q. Did you tell other people in Twisp that you had entered unlawfully?

A. No, I don't think I did.

Defendant's Exhibit No. 14—(Continued)

Q. Didn't you tell Inspector Nooney that everyone in Twisp knew how you entered [253] the United States? A. No.

Q. Were you living in Twisp with Mrs. Agnes Miller? A. Not living with her.

Q. In the same house? A. Yes.

Q. Anyone else living there? A. No.

Q. How old is she?

A. About 50 years old.

Q. Considerably older than you? A. Yes.

Q. Have you been quite friendly with a girl named Ruth Danielson?

A. Yes, she is a friend of mine.

Q. Did you intend to go to Vancouver with her.

A. No.

Q. Did you or did you not send her a telegram asking her to meet you in Wenatchee and go with you to Vancouver?

A. I did tell her to meet me in Wenatchee but I didn't say anything about going to Vancouver?

Q. Did Mrs. Miller know Miss Danielson?

A. Yes.

Q. Was Ruth Danielson up at Twisp?

A. No. She knows of her; she doesn't know her personally.

Q. You knew that Mrs. Miller was in Spokane recently, didn't you?

A. Mrs. Agnes Miller—no, I didn't, must be since I came in because it is news to me.

Q. Have you ever been refused admission to the United States at any time other than on October 26, 1937? A. No.

Defendant's Exhibit No. 14—(Continued)

Q. Have you ever been deported from the United States? A. No.

Q. Have you ever been arrested under any charge whatsoever? A. Never.

Q. I am now placing two additional charges against you. One is that you entered the United States by land at a place other than a designated port of entry for aliens and the other is that you were not in possession of an unexpired immigration visa at that time. Under these two additional charges you also have the right to be represented by counsel. Do you desire to be represented by counsel under these two additional charges?

A. No.

Q. Do you then waive your right to be represented by counsel and are you willing to proceed with this hearing without counsel? A. Yes.

Q. You have been shown the warrant of arrest and had the charge carefully explained to you. I am now showing you the evidence upon which this warrant was based. This evidence consists of a letter addressed to the District Director at Spokane on March 1, 1938, by Immigrant Inspector Frank S. Nooney marked Exhibit A; a rejection notice covering your rejection [254] at Vancouver, B. C. on October 26, 1937, marked Exhibit B; and a copy of a telegram from our Vancouver, B. C. office marked Exhibit C. (Evidence handed to and read by alien). I am showing you a transcript of a record of hearing before a board of special inquiry held at Vancouver, B. C. on October 26, 1937 in the case

Defendant's Exhibit No. 14—(Continued)

of William Wade Ricketts and will ask you to read it and state whether that is a record of your hearing before the board of special inquiry at Vancouver?

A. There are two mistakes here in my father's name and address. His first name is Seigle and the name of the town where he lives is Mullingar instead of Bellingar. It says my father was naturalized in 1910; he was not, he went to Canada in 1910 but he wasn't naturalized in 1910. I stated a while ago I didn't understand about penalties but they did mention fine and imprisonment but they didn't specify. Yes, it is all correct except for the items I mentioned.

Q. I am now introducing this document in evidence and marking same Exhibit D. A copy of the evidence upon which the warrant was based was forwarded to the Secretary of Labor at Washington, D. C. with the application for the warrant of arrest and will be given consideration together with the evidence adduced at this hearing in arriving at a decision in your case. What schools did you attend in Canada?

A. Just the public school, grade school, the Misterton School District near Mullingar, Saskatchewan.

Q. What churches did you attend in Canada?

A. None. I have been to various churches but I wasn't a member of any church.

Q. Were you ever baptized? A. Not to my knowledge.

Defendant's Exhibit No. 14—(Continued)

Q. What was the nearest large city to the place of your birth? A. Oklahoma City.

Q. How far and in what direction is that from Hydro?

A. About 130 miles east and possibly a little more.

Q. Have you any business affairs to settle before leaving the United States if you are ordered deported? A. Yes.

Q. What?

A. I have some bills to collect, outstanding accounts and a stock of groceries to dispose of and my partnership to wind up.

Q. Couldn't your partner handle that?

A. She could but she is a lady.

Q. The warrant of arrest provides that you may be released from custody under bond in the amount of \$500. Are you able and willing to post a bond in that amount for your release?

A. Yes. I requested the jailor to get in touch with a bonding company. [255]

Q. I wish to warn you at this time that under the Act of March 4, 1929, as amended, you will, if ordered deported, and thereafter enter or attempt to enter the United States, be guilty of a felony and upon conviction be liable to imprisonment of not more than two years, or a fine of not more than \$1000, or both such fine and imprisonment, unless you, following your departure from the United States in pursuance of an order of deportation, receive permission from the Secretary of Labor to

Defendant's Exhibit No. 14—(Continued)

apply for admission after one year from the date of such departure. Do you understand that warning? A. Yes.

Q. Have you any further statement you wish to make to show cause why you should not be deported?

A. Well, I haven't done anything criminal and have a previous record reasonably good. I wish to become an American citizen and I really believe that this, the fact of my illegal entry, could be overlooked if I applied for permanent citizenship here.

Q. Your record indicates that you first entered the United States on the 6th of September 1936 and you were admitted for two weeks but you didn't go out within the two weeks and you didn't get any application for an extension until December?

A. There is a mistake here. I did send a slip that this inspector gave me and I sent it to Oroville, Washington. He says that he did not get it but I sent it by mail not registered mail and he says he didn't get it and I didn't know anything about it and one day the banker in Twisp had occasion to cross the line at Oroville and Brunner asked him if he knew me and he said yes and Brunner immediately wrote to Dick Horn who I came to visit. Dick gave me the letter and I wrote back to Brunner and told him I would come back to the line immediately which I did do.

Q. Then you entered on June 14, 1937, for a

Defendant's Exhibit No. 14—(Continued)
temporary period of three months again to visit Richard Horn and at that time you went into business and therefore lost your status as a visitor. That was explained to you by Mr. Wyckoff, wasn't it, that you were illegally in the United States.

A. Yes.

Q. Mr. Wyckoff at that time permitted you to depart voluntarily in lieu of deportation proceedings and informed you that you could not work in the United States or engage in business while you were in a temporary status, did he not?

A. Yes.

Q. If you wanted to do that, that you should go to an American Consul and get an immigration visa and be admitted for permanent residence?

A. Yes, that [256] is true.

Q. Then you left the United States on October 25, 1937, and went to Vancouver and applied for an immigration visa, is that right? A. Yes.

Q. But you didn't have the required papers and that you then went and applied for admission at the immigration office and were rejected and warned as to the penalty of entering the United States unlawfully but in spite of that you entered the United States very shortly thereafter, deliberately and knowingly illegally? A. Yes.

Q. If and when you are ordered deported, to what place in Canada do you wish to be sent?

A. To Kamloops, B. C.

Personal Description: Height 5'8"; weight 148

Defendant's Exhibit No. 14—(Continued)

lbs.; brown eyes; brown hair; $\frac{3}{4}$ " scar across right wrist; end of right index finger injured.

A true and correct transcript.

/s/ PETER SZAMBELAN,

Clerk.

Notebooks Nos. 7 and 8 transcribed 3/3/38.

FINDINGS

The alien was not represented by counsel. Two additional charges were placed against him, to wit: That he entered by land at a place other than a designated port of entry for aliens; that at the time of his entry he was not in possession of an unexpired immigration visa.

This record discloses that William Wade Ricketts, the subject of these proceedings, is an alien, a native of the United States and citizen of Canada through the naturalization of his father in that country during his minority; that since becoming a British subject he has never been admitted to the United States for permanent residence; that he entered the United States at Laurier, Washington on June 14, 1937, claiming to be coming at that time for a temporary visit destined to his friend, Richard Horn, at Twisp, Washington, with whom he claims to have visited for more than eight months immediately prior to that time; that Horn was the proprietor of a restaurant in which the alien claims to have subsequently acquired a \$50.00 interest; that after his admission on June 14, 1937, he became actively employed in this restaurant; that he was discovered by officers of this Service to have vio-

Defendant's Exhibit No. 14—(Continued)

lated his visitor's status and was permitted to depart voluntarily in lieu of deportation [257] proceedings; that he departed through Blaine, Washington on October 25, 1937, and on the following date applied for admission to the United States at Vancouver, B. C.; that he was excluded as an immigrant alien not in possession of an unexpired immigration visa and informed that he could not enter the United States within a year from that date and without securing permission from the Department and as to the penalty of entering illegally; that in spite of this warning, he proceeded immediately in his automobile to the Canadian port opposite Oroville, Washington where he left his car; that he then walked a distance of about one mile west of the port of Osoyoos and then crossed the international boundary line without inspection; that he then returned to Twisp, Washington and resumed his employment and business at the Antlers Restaurant where he was apprehended on the 1st instant.

CONCLUSIONS

In the opinion of the examining inspector the charge contained in the warrant of arrest and the two additional charges placed against the alien at the time of the hearing are fully sustained by the evidence and the alien is therefore subject to deportation to Canada, the country whence he came and of which he is a citizen.

S. H. STEWART,

shs ps

Immigrant Inspector. [258]

DEFENDANT'S EXHIBIT No. 15

9012/7999

Sworn Statement of William Wade Ricketts made before Immigrant Inspector Guy H. Walter at Spokane, Washington, on April 1, 1942.

By Inspector Walter:

Mr. Ricketts, you are advised that I am a United States Immigration Inspector and authorized by law to administer oaths in connection with the enforcement of the Immigration and Naturalization laws of the United States. I desire to obtain a statement from you at this time concerning your status under the immigration laws and the Alien Registration Act of 1940. Any statement which you make should be given voluntarily, and you are hereby warned that such a statement may be used against you in any criminal or deportation proceeding. Are you willing to answer my questions under those conditions? A. Yes.

Q. Are you willing to take an oath to tell the truth? A. Yes.

Alien duly sworn.

Q. What is your full, true and correct name?

A. William Wade Ricketts.

Q. Have you ever used or been known by any other name or names? A. Yes.

Q. What other names?

A. Ward Richards and Walter Richards.

Q. When did you use the name of Ward Richards?

A. I used that name in the winter of 1939.

Defendant's Exhibit No. 15—(Continued)

Q. Where did you use it?

A. At Colville, Washington.

Q. For what reason did you use that name?

A. To obtain employment in Washington state.

Q. Why didn't you use your own name in that respect.

A. That is a very technical question. I don't want to commit myself. The reason was that I had entered the country in the eyes of the immigration officers illegally, and I couldn't obtain employment without my presence becoming known. [259]

Q. When did you use the name Walter Richards?

A. I used that name in May and June of 1941, also for the purpose of obtaining a social security card and obtaining employment.

Q. Why did you use the name of Walter Richards in place of your name at that time?

A. For the same reason.

Q. You mean for the reason that you didn't want—

A. I didn't want my correct name to become known.

Q. At the time that you used these assumed names, then you did so because you didn't want the United States Immigration officers to know that you were in the country. Was that the reason?

A. That is correct.

Q. Exactly where and when were you born?

A. I was born in the little town of Hydro, Oklahoma, February 3, 1902.

Q. Of what country are you now a citizen?

Defendant's Exhibit No. 15—(Continued)

A. Well I'd rather not answer that. I think I'm an American and the immigration officers say I'm Canadian. My sole grounds in this case is that I've never taken out my papers in Canada, and I maintain I'm an American and the immigration officials maintain I'm a Canadian.

Q. What was your father's name?

A. Seigle Ricketts.

Q. Where was he born?

A. I don't rightly know. He was born in the State of Indiana I believe.

Q. Is he now living? A. No.

Q. What was your mother's name?

A. Emma Shepard.

Q. Where was she born?

A. In Barnville, Illinois.

Q. Is she alive at the present time?

A. No, she isn't.

Q. Where was your father buried?

A. At Mayfair in the province of Saskatchewan, Canada.

Q. What year did he die? A. 1938. [260]

Q. Where was your mother buried?

A. At the same place. Mayfair.

Q. What year did she die? A. In 1939.

Q. Do you have brothers and sisters?

A. Yes.

Q. What are their names and present places of residence?

A. Clyde Ricketts, Meeting Lake, Saskatchewan; Wayne Ricketts, Winlock, Washington; Boyd

Defendant's Exhibit No. 15—(Continued)

Ricketts, I don't know his address, somewhere in Canada; Noel Ricketts, also somewhere in Canada; Glenn Ricketts, residence Calgary, Alberta, Canada.

Q. Do you know Glenn Ricketts' street address?

A. No, I do not. And Raymond Ricketts, residence somewhere in Canada, Claude Ricketts, also Canada residence unknown.

Q. Are you married or single?

A. I'm married.

Q. What is your wife's name?

A. Edith B. Ricketts.

Q. Where does she reside?

A. She resides at 12½ South Howard Street, Herald Hotel.

Q. What was her maiden name?

A. I'm sorry I can't tell you. I do know it, but I don't recall it.

Q. When were you married?

A. October 31, 1940.

Q. At what place?

A. Coeur d'Alene, Idaho.

Q. Are you and she living together now?

A. No.

Q. How long since you have lived with your wife?

A. I haven't lived with her since May of 1941.

Q. Do you have any children? A. No.

Q. Of what race are you?

A. Scotch, Irish.

Q. What was your father, Scotch or Irish?

Defendant's Exhibit No. 15—(Continued)

A. Scotch and Irish. My mother was English and Dutch.

Q. What racial strain was predominant in your father's family? A. Scotch. [261]

Q. What is your occupation?

A. I'm a cook—cafe cook.

Q. Where do you now reside?

A. 108 North Division, Empire Hotel.

Q. Are you employed at the present time?

A. Yes, I have my own business.

Q. What is the name and location of your business?

A. Empire Cafe, 110 North Division, Spokane.

Q. How long have you been in business at that place? A. A little over two months.

Q. Have you previously resided in Canada?

A. Yes.

Q. When did you first go to Canada?

A. In July of 1910.

Q. How old were you at that time?

A. Approximately eight years old.

Q. Who did you then go to Canada with?

A. With my father and mother.

Q. Were each of your brothers born in Canada?

A. No, all of us were born in the United States except my younger brother. He was born in Canada.

Q. What is his name?

A. Claude Ricketts.

Q. Are you the oldest boy in the family?

A. No, there are three older than me.

Q. After your entry to Canada in July, 1910, did

Defendant's Exhibit No. 15—(Continued)

your father become naturalized as a citizen of Canada? A. Yes.

Q. When and where did your dad naturalize as a citizen of Canada?

A. I believe it was in the year of 1915 at North Battleford, Saskatchewan. That is just a guess as to the year, but it was about that time.

Q. And were you then a minor child residing in Canada with your parents? A. Yes.

Q. At the time of your father's naturalization in Canada then, you automatically became a British subject?

A. I was given full rights as a British subject yes. [262]

Q. Did your father prove up on a homestead?

A. Yes.

Q. Before he could prove up on his Canadian homestead, was it necessary for him to become a naturalized citizen of Canada? A. Yes.

Q. How long did you remain in Canada after your entry to that country in July, 1910?

A. From July, 1910, until June of 1926.

Q. Where did you then go?

A. I came to Spokane.

Q. Where did you enter the United States on that occasion?

A. At Kingsgate, Eastport I guess is the other side.

Q. From the date you became 21 years of age until 1926, did you exercise any rights as a Cana-

Defendant's Exhibit No. 15—(Continued)

dian citizen in Canada such as voting or holding any public office? A. No, I did not.

Q. Did you vote at any time in Canada?

A. I voted once in Canada. I think it was the year of 1928.

Q. When you entered the United States in 1926 what time of the year was it?

A. It was in June.

Q. How were you traveling?

A. I came from Calgary, Alberta, on the C. P. R. and Spokane International Railway into Spokane.

Q. For what purpose were you then coming to the United States?

A. To obtain employment.

Q. How long did you then intend to remain in the States?

A. That is a very indefinite question. I only remained a couple of months. Then I returned to Canada. I was here in the winter of 1926.

Q. Did you have any intention at that time of remaining permanently in the United States?

A. Yes, I did.

Q. Were you examined by United States Immigration officers at Eastport when you entered in 1926? A. Yes.

Q. How were you then admitted to the United States? Were you then admitted as an alien?

A. No, I was admitted as an American. In fact I had an argument with [263] Inspector Kelley. He maintained that I was even though I had the

Defendant's Exhibit No. 15—(Continued)
rights of a British subject. I asked him and he said I was American.

Q. Well then did you maintain at that time that you were a Canadian citizen?

A. To all beliefs yes.

Q. Did you then surrender an unexpired consular immigration visa and pay head tax at Eastport?

A. No, at that time it wasn't necessary to have a visa, and they didn't ask me for the head tax. I offered to pay it and they wouldn't accept it.

Q. How long did you remain in the States on that occasion? A. About six weeks.

Q. Then where did you go?

A. I returned to Calgary, Alberta.

Q. Through what port did you enter Canada?

A. Kingsgate.

Q. Where you then admitted to Canada as a British subject? A. Yes.

Q. When was the next time that you came into the United States?

A. I came down again in December of 1926. I think it was December. It might have been November, during the winter months.

Q. How were you then traveling?

A. I came by C. P. R. and S. I. Railway.

Q. Where did you then cross the border?

A. At Eastport.

Q. Were you examined by immigration officials at that time? A. Yes.

Defendant's Exhibit No. 15—(Continued)

Q. How were you then admitted into the United States?

A. To permanently make my home here.

Q. Where did you go in the States then?

A. Spokane.

A. I worked that winter for the Hedlin Lumber Company at Marcus, Washington.

Q. How long did you remain in the States on that occasion?

A. About five or six months.

Q. Then where did you go?

A. I returned to Ensign.

Q. Where did you enter Canada on that occasion? A. At Kingsgate.

Q. Were you then admitted to Canada as a British subject? [264] A. Yes.

Q. When was the next time that you entered the States?

A. I entered the States in September of 1936.

Q. Where did you enter at that time?

A. Oroville, Washington.

Q. How were you then traveling?

A. I came by bus.

Q. Were you examined by immigration officers at Oroville? A. Yes.

Q. How were you then admitted to the United States?

A. I was admitted as a tourist on a visit here.

Q. You mean by that that you were admitted as an alien for a temporary visit?

A. Yes, I guess that is what you would call it.

Defendant's Exhibit No. 15—(Continued)

Q. For what purpose were you then coming into the United States? A. To visit friends.

Q. Where were you destined?

A. Twisp, Washington.

Q. Did you surrender an unexpired consular immigration visa and pay head tax at Oroville, Washington, at that time? A. No.

Q. How long were you then admitted into the United States for?

A. I was originally admitted I believe for thirty days, possibly two weeks.

Q. How long did you remain in the States at that time?

A. I remained in the States at that time on renewed permits until June of 1937.

Q. Did you again return to Canada?

A. Yes.

Q. Where did you enter Canada on that occasion? A. Osoyoos.

Q. Were you examined by Canadian immigration officers at Osoyoos? A. Yes.

Q. And were you then admitted to Canada as a British subject? A. Yes.

Q. When was the next time that you entered the United States?

A. I entered the United States two weeks later. It was still in the month of June I believe at Cascade. Laurier. [265]

Q. How were you traveling at that time?

A. By private car.

Q. Was it your car? A. No.

Defendant's Exhibit No. 15—(Continued)

Q. Who accompanied you?

A. Mrs. Agnes Miller.

Q. Where was she from?

A. Twisp, Washington.

Q. Were you examined by United States Immigration officers at Laurier, Washington, on that occasion? A. Yes.

Q. What disposition was made of your application for admission to the United States then?

A. They granted me sixty days I believe.

Q. You mean that you were then admitted to the United States as an alien for a temporary visit for a period of sixty days? A. Yes.

Q. At that time did you surrender an unexpired immigration visa and pay head tax and apply for admission to the United States for permanent residence? A. No.

Q. For what purpose were you then coming into the United States?

A. To engage in business.

Q. Did you tell the United States Immigration officer at Laurier that you were destined to Twisp, Washington, to engage in business? A. No.

Q. Why did you not inform him at that time of the purpose for which you were coming to the United States?

A. It was just an oversight at that time. I was merely coming to look the business over. I didn't know definitely if I would buy the business.

Q. How long did you remain in the States on that occasion?

Defendant's Exhibit No. 15—(Continued)

A. Until approximately the first of October, 1937.

Q. From the time you were admitted to the States at Laurier, Washington, June, 1937, until your departure from the United States in October, 1937, had you written this office stating your desire to remain permanently in the United States? [266]

A. Yes.

Q. Had this office informed you that it would be necessary for you to depart from the United States and obtain an immigration visa and be admitted to this country as an alien for permanent residence?

A. Yes.

Q. In connection with your entry as a temporary visitor at Laurier, Washington, in 1937, I now show you Form 505, Certificate of Admission of Alien, dated at Laurier, Washington, on September 22, 1937, bearing Laurier file No. 216/50, relating to one William Ricketts, who was admitted at Laurier, Washington, on June 14, 1937, age 35 years, born at Hydro, Oklahoma, citizen of Canada, Scotch race, destined to friend, Richard Horn, Twisp, Washington, for a visit of three months. (Form handed to alien). Does this record refer to your admission at Laurier, Washintgon, for a temporary visit of three months on June 14, 1937?

A. That is correct.

Q. Our file also contains a letter, reading as follows: Twisp, Washington, September 27, 1937, addressed to the United States Department of Labor, Immigration and Naturalization Service,

Defendant's Exhibit No. 15—(Continued)

Spokane, Washington. "Dear sir: Your letter re my application for extension of my temporary stay in this country to hand. In reply to your questions regarding my Canadian Naturalization, may say I was born February 3, 1902, at Hydro, State of Oklahoma, moved with my parents to Mullingar, Saskatchewan in July, 1910, where my father took up a homestead and where he became a citizen of Canada by naturalization when he secured a patent of title to his homestead about the year 1914 or 1915. I do not know the exact date, but could secure it if necessary. His naturalization while I was under age made me a citizen of Canada, and I was never naturalized in my own name. My father still resides at his homestead at the post office, Mullingar, Saskatchewan. I think these records can be secured at the Land Title office, Prince Albert, Saskatchewan. Thanking you, I am Yours Respectfully William Ricketts." (over) (On the reverse side) "My father's name is Seigle E. Ricketts, address Mullingar, Saskatchewan." I now show you that letter and ask if you are the person who wrote that? A. Yes, I am.

Q. When and where did you depart from the United States after your entry as a temporary visitor at Laurier, Washington, on June 14, 1937?

A. At Blaine, Washington. [267]

Q. Where did you go in Canada at that time?

A. To Vancouver.

Q. When did you again apply for admission to the United States after your departure to Vancouver on October 25, 1937?

Defendant's Exhibit No. 15—(Continued)

A. Well, it was a few days later. I applied at the American Consul's office in Vancouver I think November 4 or 5.

Q. You didn't apply for admission to the United States at the American Consul's office?

A. Yes, I did. I applied for a visa there. I have never applied at any immigration port at the lines since October, 1937, after applying at the American Consul.

Q. Do you mean that you have never applied at an immigration office for admission into the United States since you left the United States on October 25, 1937? A. Yes.

Q. Is that what you mean? A. Yes.

Q. Were you ever excluded from admission to the United States? A. Yes.

Q. When and where?

A. Vancouver, B. C., October, 1937. You see the purpose of my visit was to apply for a visa to reenter the country as a permanent resident. I went to the American Consul in Vancouver, and he said he would give me a visa, but I had to appear before an immigration board, and they rejected my application and excluded me from the United States. I went before a board of three officers in Vancouver after consulting the American Consul. I applied to the United States Immigration Office in Vancouver, B. C.

Q. Our file contains a rejection notice dated at Vancouver, B. C., on October 26, 1937, listing among others one William Wade Ricketts, age 35, single,

Defendant's Exhibit No. 15—(Continued)

restaurant owner, 5'8½", dark brown hair, blue eyes, citizen of Canada, born Hydro, Oklahoma, Scotch race, last permanent residence, Kamloops, B. C., destined to permanent residence, Antler's Grill, Twisp, Washington, excluded as an immigrant alien not in possession of an unexpired consular immigration visa. Are you the person to whom that record refers? A. Yes.

Q. Then you were excluded by an immigration board of special inquiry at [268] Vancouver, B. C., on October 26, 1937. Is that correct? A. Yes.

Q. When did you again enter the United States after your rejection at Vancouver, B. C.?

A. I don't know the exact date—the first week in November, 1937.

Q. Where did you enter the States?

A. At Oroville, Washington.

Q. How did you then travel?

A. I traveled by motor car to the line and walked.

Q. Did you report to an immigration office for Examination by immigration officers?

A. No, I did not.

Q. Were you then examined by United States Immigration officers? A. No.

Q. Well, when you were excluded from the United States at Vancouver, B. C. on October 26, 1937, you were advised that your exclusion would be effective for a period of one year from that date, were you not, during which time you could not lawfully enter the United States without first obtaining

Defendant's Exhibit No. 15—(Continued)
permission from the Secretary of Labor, Washington, D. C. A. Yes.

Q. Then you were further advised that if you did enter the United States unlawfully at any time you would be subject to arrest and deportation upon conviction. Then at the time of your illegal entry at or near Oroville, Washington, in November, 1937, you had full knowledge that you were violating the provisions of the immigration laws of the United States? A. Yes.

Q. Subsequent to that entry to this country were you arrested and deported?

A. Yes, I was.

Q. When was a Warrant of Arrest served upon you by the immigration service?

A. March 3, 1938, at Twisp, Washington.

Q. Were you then subsequently arraigned before a United States Commissioner? A. Yes.

Q. What commissioner?

A. Commissioner Smith at Spokane.

Q. Did you then post a bond or were you confined in the Spokane County Jail?

A. I was confined in the Spokane City Jail for a period of three days, and then I posted bond. [269]

Q. Then what took place in connection with your case?

A. I remained on bond until my case was called on the 6th of June, 1938. I was then sentenced to ten days in jail and deportation.

Q. Where did you have your trial?

Defendant's Exhibit No. 15—(Continued)

A. In the courthouse, District Court, Spokane.

Q. Did you serve your ten days' sentence?

A. Yes.

Q. Then on what date did you leave the United States?

A. I was given a voluntary departure. I was sentenced by Judge Webster, and he gave me a voluntary departure, providing I left the United States within a reasonable time after the ten day sentence which I did. Paid my own way.

Q. Was your bond still in effect until you departed from the United States? A. Yes.

Q. At the time you departed from the United States, however, Warrant of Deportation had been issued in your case, had it not? A. Yes.

Q. When and where did you depart from the United States on that occasion?

A. At Blaine, Washington, June 17, 1938.

Q. At the time you were serving your sentence in the Spokane County Jail for violation of the immigration laws, this office wrote you a letter, a copy of which I will now show you, dated June 6, 1938, bearing file No. 9012/7999, addressed to Mr. William Wade Ricketts, c/o County Jail, Spokane, Washington, advising you that the Assistant to the Secretary of Labor at Washington, D. C. had issued a warrant on March 19, 1938, directing your deportation to Canada upon the grounds that at the time of your entry into the United States at Oroville on or about November 3, 1937, you were not in possession of an unexpired immigration visa, that

Defendant's Exhibit No. 15—
you entered by land at a place other than the designated port of entry for aliens, and you were excluded from the United States within one year of your date of exclusion and deportation, consequently your admission not having been granted, after the receipt of this letter you were informed that you were permitted to depart voluntarily or to be removed by any way without expense to the government of the United States to any country of your choice on consent, and that your departure would be verified and certified as satisfactory compliance with the terms of the letter, but that you would be advised that you would not be eligible to re-enter the United States until after the expiration of the date of your deportation, and that the Secretary of Labor has authority to issue a visa for admission. I now show you a copy of this letter and ask if you received such a letter.

A. No, I never received such a letter, and the provisions of this letter was not shown to me by Inspector Stewart.

Q. You were in the Spokane area at the time that letter was written on

William Wade Ricketts

Defendant's Exhibit No. 15—(Continued)
regard to going to the Department of Labor asking for admission. I knew I had to wait a year, but I didn't know I had to take it to the Department of Labor at Washington.

Q. You mean to say that you did not understand that after one year from the date of your deportation that it was necessary for you to obtain admission to reapply for admission to the United States before you could be lawfully admitted to the country?

A. No, I knew I had to apply to an American Consul or to a qualified Immigrant Inspector. I didn't know it had to be taken to the Board of Labor, Washington. I was under the impression I could apply at any immigration board within a year from the expiration date, which I had to do in Calgary.

Q. After your voluntary departure under an order of deportation on June 17, 1938, when did you again enter the United States?

A. In December, the 6th, 1939.

Q. How were you then traveling?

A. I traveled by car.

Q. Where did you cross the border at that time?

Defendant's Exhibit No. 15—

A. I traveled by car to the line that, and as to the matter of the motion of the car I would rather not

Q. How did you travel from there at Babb? A. I hitchhiked.

Q. Isn't it a fact that you drove the States at that time?

A. No, I didn't even own a car.

Q. Exactly, as you can remember you cross the border when you entered on that occasion?

A. It was in or near the port of entry line, near the inspection station on the

Q. Was it east or west from there?

A. East.

Q. Was it in the middle of the

A. Yes.

Q. Did you go to the town of

A. Yes.

Q. Where did you leave this

A. I left the car a couple of miles on the Canadian side of the line.

Q. Who did you leave it with

William Wade Ricketts

Defendant's Exhibit No. 15—(Continued)

Q. Were you examined by United States migration officers at the time?

A. No.

Q. Did you report to the United States migration office at Babb, or at any other place at time? A. No.

Q. You knew that you should report for examination, didn't you? A. Yes.

Q. Why didn't you report then?

A. Because I knew that they would exclude for the reason that I hadn't a passport in my session.

Q. Did you then have in your possession unexpired consular immigration visa?

A. No.

Q. When was the last entry you made into United States from Canada?

A. That was the last entry.

Q. Then at that time or at the time of your entry into the United States from a foreign country you wilfully and knowingly eluded examination by immigration officers, did you? A. Yes.

Q. For what purpose were you then coming into the United States?

Defendant's Exhibit No. 15—(Continued)

Q. What kind of business did you have?

A. Cafe.

Q. What was the name of your cafe?

A. The Kinema Lunch.

Q. At what place?

A. I forget the exact street address—14th Avenue West, Calgary.

Q. When did you go into that business?

A. In May, 1939.

Q. When did you go out of business at that place? A. In October, 1939.

Q. Were you employed between October, 1939 and December 6, 1939?

A. Yes, I was employed at times.

Q. Who were you employed by during that time?

A. I was employed by the Coffee Cup Cafe, Calgary, Alberta. It was only for a short period.

Q. Who was your last employer in Canada?

A. I can't give you his name. That was the last employer—manager of the Coffee Cup.

Q. Have you remained continuously in the United States since December 6, 1939?

A. Yes.

Q. What was your destination at that time?

A. Spokane.

Q. Did you come to Spokane immediately after your entry? A. Yes.

Q. By whom were you first employed at Spokane subsequent to December 6, 1939?

A. My first employer was at Colville, Washington, after my arrival here in Spokane.

Defendant's Exhibit No. 15—(Continued)

Q. Who were you employed by at Colville?

A. I'm not positive about his name—Ernest Winkie I believe—at Colville, Washington.

Q. What kind of work were you doing for him?

A. I was cutting wood.

Q. During what period were you employed by him?

A. It was about thirty days during the months of November and December, the latter part of November and December. No it was in December—about twenty days.

Q. Then where did you go?

A. I went to Marcus, Washington.

Q. Were you employed at Marcus?

A. I also cut wood.

Q. Who were you employed by at Marcus?

A. Tom Johnson.

Q. How long were you employed by him and during what period?

A. From about the first of the year 1940 until the first of May, 1940.

Q. Then where did you go?

A. I returned to Spokane.

Q. Were you employed here in Spokane?

A. No, I remained in Spokane unemployed for four or five days. Then I worked for Addison-Miller, boarding contractors for the Great Northern.

Q. Where were you employed by Addison-Miller?

A. I was employed on the line of the Great Northern running from Spokane to Wenatchee and

Defendant's Exhibit No. 15—(Continued)

also on the Great Northern line from Wenatchee to Okanogan, then I worked as a cook for an extra gang.

Q. How long were you employed on that job?

A. About three months. In July sometime of 1940.

Q. Then what did you do?

A. I visited with friends and I remained unemployed in Spokane for a period of twenty or thirty days.

Q. Where was your next employment?

A. At Liberty Lake. I sawed logs out there for Ernest McCall.

Q. During what period were you employed there?

A. For the month of August, 1940, I guess.

Q. Then what did you do?

A. I returned to Spokane, and then I went out to work for Ernest Graft, logging operator at Coeur d'Alene, Idaho. I worked for him during September of 1940. Then I took sick and returned to Spokane again.

Q. Were you in the hospital under a doctor's care?

A. No, I just had the flu for four or five days. Then I worked for the Costello Brothers in Spokane on Sprague Avenue. They have a cafe—Costellos' Tavern.

Q. How long were you there?

A. I was just there through the month of October, 1940. From there I left and immediately went

Defendant's Exhibit No. 15—(Continued)

out to work at Creston, Washington, for Gene Boyd in the Associated Stations until the first of the year 1941. Then I returned to Spokane and worked for Vi Nims, Nims No. 2 for a period of some weeks. Then I went immediately to Coulee Junction, Washington, and I worked for Thell Reed until March 16, 1941. Then I returned to Spokane and leased the Main Avenue Cafe, Main Avenue, Spokane. I operated that from March 16 until May 16, 1941, and I was idle for a period of a week or ten days. Then I took employment with the Ideal Cafe, Newport, Washington, and I worked there until August 4, 1941. Then I went to Metaline Falls and leased Metaline Falls Cafe, and I operated that until January 25, 1942. I sold my business and came to Spokane and was employed for a couple of weeks. Then I bought the Empire Cafe at 110 North Division Street, and I have operated that since the 4th of February, 1942.

Q. I now show you a picture taken at the sheriff's office, Spokane, Washington, on March 3, 1938, of one William Wade Ricketts who departed voluntarily from [275] the United States under an order of deportation at Blaine, Washington, on June 17, 1938, and ask you if that is a picture of yourself? A. Yes, that is.

Q. Mr. Ricketts, have you ever been lawfully admitted into the United States as an alien for permanent residence? A. No.

Q. Have you been arrested at any time except

Defendant's Exhibit No. 15—(Continued)

when you were arrested on the immigration violation? A. No, never.

Q. Were you ever excluded from admission to the United States except by the Board of Special Inquiry at Vancouver, B. C., on October 26, 1937?

A. No.

Q. Are divorce proceeding now pending between you and your wife? A. Yes.

Q. Where were you residing between August, 1940, and January, 1941?

A. I was residing in Metaline Falls.

Q. Have you registered as an alien in compliance with the Alien Registration Act of 1940?

A. No.

Q. Why didn't you register as required by that Act?

A. I'd rather not answer that question.

Q. You had knowledge of the law in that respect, didn't you? A. Yes.

Q. Did you serve in the Armed Forces of any country? A. No.

Q. Did you ever homestead in Canada in your own name? A. No.

Q. Outside of the one occasion which you have previously mentioned, did you ever vote in Canada?

A. No.

Q. Mr. Ricketts, have you registered under the Selective Service Act? A. Yes.

Q. Do you have your registration card now in your possession?

A. Yes. (Presents registration certificate certi-

Defendant's Exhibit No. 15—(Continued)

fying that in accordance with the Selective Service Proclamation of the President of the United States, William Wade Ricketts, 110 North Division, Spokane, Washington, [276] was duly registered on February 15, 1942, Edith L. Manchester, signature of registering registrar for Local Board No. 4, Spokane, Washington. Description of registrant 5' 8" 148 pounds, blue eyes, dark brown hair, sallow complexion, split right index finger on right hand.)

Q. Are you the person to whom this card refers?

A. Yes.

(Card returned to alien)

True and correct transcript.

MARY M. SEELEY

Clerk-Stenographer. [277]

DEFENDANT'S EXHIBIT No. 17

Deportation Proceedings

In re: William Wade Ricketts alias Ward Richards alias Walter Richards.

Hearing Reopened:

Date: August 2, 1943

Place: Spokane, Washington

Presiding Inspector: James E. Sullivan

Secretary: James E. Sullivan

Examining Inspector: None

Alien's representative: None

Defendant's Exhibit No. 17—(Continued)

Presiding Inspector To Alien:

Q. Will you stand and raise your right hand. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

A. I do.

Q. What is your full and correct name?

A. William Wade Ricketts.

Q. At this reopened hearing you have the right to be represented by counsel at your own expense if you so desire. Do you wish to be represented by counsel? A. No.

Q. You are informed that if you knowingly and wilfully give false testimony at this hearing you may be prosecuted for perjury, the penalty for which is five years imprisonment or \$2,000 fine, or both such fine and imprisonment. Do you understand? A. Yes.

Q. Are you the same William Wade Ricketts whose hearing under warrant of arrest was started at this office on July 27, 1943, and who stated then that he desired to apply for the privilege of departing voluntarily from the United States in lieu of deportation? A. Yes.

Q. At that time you were furnished Forms I-255, Application for suspension of Deportation, Departure in lieu of Deportation, Preexamination in Deportation Cases, and Forms I-55, General Information Form, on which to make [283] application for voluntary departure in lieu of deportation. Have you executed those forms?

Defendant's Exhibit No. 17—(Continued)

A. Yes. (Presents Forms I-55 and I-255 executed by William Wade Ricketts)

Q. Have you completely answered all questions appearing on these forms, and are your answers thereto correct? A. Yes.

Q. For identification purposes the Form I-255 which you have executed and presented here will be marked Exhibit 2, and the Form I-55 which you presented as Exhibit 3, and each will be attached to and made a part of the record of hearing in your case, and you are warned that any statements made by you in your application on Form I-255, Application For Voluntary Departure, or in the General Information Form I-55, may be used as evidence in any proceeding to determine your right to enter, reenter, pass through or reside in the United States, and that false answers to any of the questions in such application or general information form may bar you from the relief you request. Do you understand? A. Yes.

Q. Exactly where and when were you born?

A. Hydro, Oklahoma. February 3, 1902.

Q. Do you have a birth certificate or any evidence of your birth?

A. Yes. I have an affidavit here.

(Presents affidavit reading as follows: "This is to certify that William Wade Ricketts, the bearer of this statement is my legal son (Mother's maiden name, Emma Shepard) Was born in the village of Hydro, Oklahoma, February 3rd, 1902. That I was formerly a native born

Defendant's Exhibit No. 17—(Continued)
American of American parents of Scotch Irish descent, but I am now a citizen of Canada through naturalization, having taken citizenship papers in Canada when the said William Wade Ricketts was a minor child." Signed, Seigel E. Ricketts. "Subscribed and sworn to before me this 14th day of December, 1937." Signed, Ernest W. Wilson, a Notary Public & Justice of the Peace in and for the Province of Saskatchewan.)

Q. Who is the Seigel E. Ricketts who executed and signed that affidavit? A. My father.

Q. Of what country are you now a citizen or subject? A. Canada. British Subject.

Q. How and when did you become a citizen of Canada?

A. Through my father's naturalization when he took out citizenship papers [284] when I was a minor child, about 1915.

Q. I have a letter here on the stationery of the Department of the Secretary of State, Naturalization Branch, Ottawa, Canada, which is in answer to inquiry of this office as to the date of the naturalization in Canada of Seigel Ricketts. In this letter it is indicated that one Siegel E. Ricketts of Mullingar, Sask., was naturalized in Canada December 31, 1914, at Battleford, Saskatchewan. Will you inspect this letter and state whether or not you believe the record of naturalization covered by this letter refers to the naturalization in Canada of your father? (Respondent inspects letter.)

Defendant's Exhibit No. 17—(Continued)

A. That is correct. That is my father.

Q. Copies of this letter have been made and will be marked Exhibit 4 for identification purposes, and attached to the record of hearing in your case.

Do you understand? A. Yes.

Q. Do you have any comment to make on this exhibit?

A. No, only that the information in that letter is correct. I put it down wrong on the application forms. That's a long time to remember.

Q. Were you living in Canada with your father at that time? A. Yes.

Q. How old were you at that time?

A. 12 years old.

Q. Is it on the basis of that naturalization that you claim to be a citizen of Canada? A. Yes.

Q. Did you ever apply for naturalization in Canada in your own right? A. No.

Q. Did you, in Canada, have all the rights and privileges of a Canadian citizen? A. Yes.

Q. In what way?

A. In the matter of voting for one.

Q. Did you hold public office in Canada?

A. Yes.

Q. What office did you hold?

A. School trustee and Counsellor of the Municipality. That's the same as a [285] County Commissioner here.

Q. In what municipality was that?

A. Round Hill, Saskatchewan.

Q. Was that an elective post? A. Yes.

Defendant's Exhibit No. 17—(Continued)

Q. Did you have to be a citizen of Canada to hold that position? A. Yes.

Q. What year or years did you serve in that capacity?

A. The years of 1918 and 1919, I believe it was. In those days, it was up in the homestead country, and there one became of age at 18. They can hold office at 18. I had passed my 18th birthday, and it was 1921 or 22 I served as school trustee.

Q. Do you have to be a citizen of Canada to be a school trustee? A. Yes.

Q. Did you at that time always consider yourself to be a citizen of Canada? A. Yes.

Q. It was 1923 that you became 21 years of age?
A. Yes.

Q. Did you at that time consider yourself to be a citizen of Canada? A. Yes.

Q. Did you have any intention at that time of returning to the United States to reside?

A. No.

Q. Did you consider yourself to be a citizen of the United States at that time?

A. I believe according to the acts at that time I was. It was at one time explained to me by an immigration officer that after residing in the United States for a period of 60 days or so I become an American citizen again.

Q. Upon attaining your majority though it appears that you elected to retain the citizenship acquired by you through the naturalization of your father in Canada, does it not? A. Yes.

Defendant's Exhibit No. 17—(Continued)

Q. You intended when you become of age to remain in Canada indefinitely, and assumed the rights and privileges of a Canadian citizen?

A. Yes. [286]

Q. How many times have you voted in Canada?

A. I have only voted once in the general elections. The municipal and school, voting in those you have to have the same qualifications, of course, that you do in the primary or general elections, but you don't prescribe to any party.

Q. You have voted in school and municipal elections?

A. Yes, several times. Voting for school trustees and officers of the municipality.

Q. Have you voted more than once in the general election in Canada?

A. No. I was moving around so much I didn't have time to get my name in the registration. I voted in the Provincial election in 1927, I think, but I never voted in the Dominion election.

Q. Wasn't there a Dominion election in 1927 also?

A. No. The Dominion election was 1930. I tried to vote at that time but they refused me because I was out of my home constituency. I think the Dominion elections were in 1925 and 1930.

Q. Did you vote in 1925? A. No.

Q. And the only reason you didn't vote in 1930 was because you were not in the constituency where you were registered? A. Yes, that's true.

Q. After 1930 did you vote in any election?

Defendant's Exhibit No. 17—(Continued)

A. No, after that I decided to leave Canada.

Q. What issues were involved in the Provincial election that you voted in in 1927?

A. I don't think any main issue was at stake.

Q. What officials were elected?

A. The Premier and the members of the Provincial Legislature.

Q. The issue involved was who would rule in the Province of Alberta?

A. Yes, I think you would call it an election to determine who would be the chief executive of the Province of Alberta.

Q. Were any Dominion legislators elected?

A. No.

Q. Only citizens of Canada could vote in that election? A. Yes.

Q. Was your vote ever questioned in Canada on the grounds of citizenship? A. No. [287]

Q. Were you in Alberta when Eberhart first ran? A. Yes.

Q. Did you vote at that time? A. No.

Q. Did you ever vote in the United States?

A. No.

Q. Did you ever serve in the military forces of Canada? A. No.

Q. Did you ever file on a homestead?

A. No.

Q. Did you ever take any oath of allegiance in connection with the office you held in Canada?

A. No.

Defendant's Exhibit No. 17—(Continued)

Q. Did you ever take any oath of allegiance in Canada? A. No.

Q. Did you ever teach school? A. No.

Q. Did you exercise the rights of a Canadian citizen in any other way than those you have heretofore mentioned? A. No.

Q. Have you ever travelled on a Canada or British passport? A. No.

Q. When did you first go to Canada?

A. 1910.

Q. Who did you go to Canada with at that time?

A. My father and mother.

Q. The record shows your father's name was Seigel E. Ricketts. What was your mother's name?

A. Her maiden name was Emma Shepard.

Q. Where was your father born?

A. Red Oak, Iowa.

Q. And your mother?

A. Peoria, Illinois.

Q. Are either of them living now? A. No.

Q. Where and when did they die?

A. They both died at Mullingar, Saskatchewan. The exact dates I can't give [288] them. Mother died in 1937 and my father a year later.

Q. Did either of your parents ever return to the United States to reside after going to Canada in 1910? A. No.

Q. Where are they buried?

A. Mayfair, Saskatchewan.

Q. Have you made various trips to the United States since you went to Canada in 1910?

Defendant's Exhibit No. 17—(Continued)

A. Yes.

Q. On the occasion of your entry to the United States what citizenship have you claimed?

A. I have never been asked to declare my citizenship when crossing the border. Now I will take that back. I don't think I was asked my citizenship until I crossed at Oroville. Inspector Brunner asked my citizenship in 1936.

Q. Weren't you asked every time you crossed of what country you were a citizen?

A. No, just where I came from and where I was going.

Q. On your return to Canada were you asked of what country you were a citizen? A. Yes.

Q. What did you state to the Canadian officers?

A. That I was a Canadian.

Q. Did you always consider yourself to be that?

A. Yes.

Q. When was the last time you entered Canada?

A. June, 1938.

Q. Did you claim at that time to be a Canadian citizen?

A. No. That was when I was deported and the Canadians held me up until the deportation paper came through. I have never claimed to be a Canadian citizen since that.

Q. When you entered the United States at Oroville in 1936 did you claim to be a Canadian citizen?

A. Yes. I was told I was.

Q. When did you first return to the United States after you went to Canada in 1910?

Defendant's Exhibit No. 17—(Continued)

A. June, 1926.

Q. Were you returning to the United States at that time to reside permanently? A. No.

Q. How long did you remain in the United States?

A. About two months. No, less than that. Just over a month.

Q. Were you admitted as a Canadian citizen at that time? A. Yes.

Q. Did you make claim to United States citizenship at that time? A. No.

Q. Where did you enter the United States?

A. Eastport, Idaho.

Q. Where did you next enter the United States?

A. The same year. In December, 1926, at Eastport.

Q. Did you intend to remain permanently in the United States at that time? A. No.

Q. How long did you remain?

A. About six months.

Q. Did you pay head tax at that time?

A. No.

Q. Did you claim to be a Canadian citizen at that time?

A. I have never been asked to declare my citizenship. They just asked where I came from and where I was going, but I have never been asked except the once.

Q. Did you consider yourself to be a Canadian citizen at that time? A. Yes.

Defendant's Exhibit No. 17—(Continued)

Q. Were you coming to the United States then for a temporary period? A. Yes.

Q. With the intention of returning to your home in Canada? A. Yes.

Q. Did you return to Canada at the end of six months? A. Yes.

Q. What were you doing in the United States?

A. Visiting and working.

Q. When did you next return to the United States? A. September, 1936.

Q. You were not in the United States between 1927 and 1936? A. No.

Q. Did you remain in Canada all that period?

A. Yes.

Q. Did you at any time apply for admission to the United States within that [290] period?

A. No.

Q. Have you ever made claim to United States citizenship?

A. No. I have never filed any claim to United States citizenship. I have asked to be granted citizenship or a visa to be granted citizenship?

Q. Have you always considered yourself to be a citizen of Canada since you were naturalized through your father? A. Yes.

Q. Have you ever applied for admission at the border as a United States citizen? A. No.

Q. Have you ever applied for admission at the with the intention of claiming United States citizenship and assuming the rights and duties of a United States citizen? A. No.

Defendant's Exhibit No. 17—(Continued)

Q. What was the date of your entry at Oroville?

A. I believe September 10, 1936.

Q. Were you coming to the United—then as a visitor? A. Yes.

Q. Were you admitted as a Canadian citizen for a temporary period? A. Yes.

Q. For how long a period were you admitted?

A. 30 days.

Q. How long did you stay?

A. I stayed pretty near six months. I got an extension. I didn't depart until the next June.

Q. When you entered the United States at Oroville did you intend to return to your home in Canada? A. Yes.

Q. After you returned to Canada in June, 1937, how long did you remain there?

A. About two weeks.

Q. Where did you enter the United States then?

A. Laurier, Washington.

Q. We have a record here to the admission at Laurier, Washington on June 14, 1937 of one William Ricketts, occupation farmer, citizen of Canada, Scotch race, born Hydro, Oklahoma, last permanent residence, Kamloops, B. C., where he had sister Grace Ricketts, destined to friend, Richard Horn, Twisp, Washington [291] to visit three months. Would that be a record of your admission at Laurier, Washington?

A. Yes, but that wasn't my sister; that was my aunt in Kamloops.

Defendant's Exhibit No. 17—(Continued)

Q. How long did you remain in the United States after that entry?

A. About three and one half months.

Q. When you entered at Laurier did you intend to return to Canada? A. No.

Q. Was it your intention to remain permanently in the United States at that time? A. Yes.

Q. Did you return to Canada thereafter?

A. Yes.

Q. What were the circumstances which caused your return?

A. I returned to Canada to see the American Consul in Vancouver, B. C. to see about securing a visa to reenter the United States as a permanent resident.

Q. Did you secure a visa? A. No.

Q. Where did you next apply for admission to the United States? A. Vancouver, B. C.

Q. We have a record of the exclusion from admission to the United States at Vancouver, B. C. on October 26, 1937 of one William Wade Ricketts, age 35, single, restaurant owner, citizen of Canada, Scotch race, born Hydro, Oklahoma, last permanent residence Kamloops, destined to Twisp, Washington for permanent residence, excluded as an immigrant alien, not in possession of an unexpired consular immigration visa. Would that record apply to you? A. That's it.

Q. Did you subsequently enter the United States? A. Yes.

Q. When?

Defendant's Exhibit No. 17—(Continued)

A. About November 6, 1937, as near as I can remember.

Q. Did you enter lawfully at that time?

A. No.

Q. Were you subsequently apprehended by immigration officers and deported from the United States? A. Yes. [292]

Q. What was the date of your deportation?

A. June 17, 1938.

Q. Our file indicates that one William Wade Ricketts, Central Office File No. 55973/230, was deported from the United States through the port of Blaine, Washington on June 17, 1938, on the following charges: The Act of 1924, in that at the time of entry he was not in possession of an unexpired immigration visa; and the Act of 1917, in that he entered by land at a place other than a designated port of entry for aliens; and the said act as amended by the act of March 4, 1929, in that he entered the United States within one year from the date of exclusion and deportation, consent to reapply for admission not having been granted. Would that record of deportation refer to you?

A. Yes sir.

Q. Subsequent to your deportation from the United States on June 17, 1938, did you apply for and receive permission from the Secretary of Labor or Attorney General at Washington, D. C. to reapply for admission after deportation?

A. No.

Q. How long did you remain in Canada after

Defendant's Exhibit No. 17—(Continued)

your deportation from the United States on June 17, 1938? A. Until December 6, 1939.

Q. Where did you enter the United States then?

A. At Babb, Montana.

Q. Were you inspected by United States immigration officers at that time? A. No.

Q. How did you enter the United States?

A. I walked across the line.

Q. Was it in daylight or after dark?

A. After dark.

Q. Did you intentionally elude inspection by immigration officers?

A. Yes. I knew I wouldn't be admitted.

Q. Were you coming to the United States to remain permanently at that time? A. Yes.

Q. To what place were you destined in the United States?

A. Spokane, Washington.

Q. Did you then have in your possession a valid consular immigration visa? [293] A. No.

Q. Did you pay a head tax? A. No.

Q. Have you ever paid a head tax when entering the United States. A. No.

Q. Have you ever had an immigration visa in your possession when entering the United States?

A. No.

Q. Have you ever been issued such document by an American Consul? A. No.

Q. What time of night was it that you entered at or near Babb, Montana?

A. Approximately 9 o'clock at night.

Defendant's Exhibit No. 17—(Continued)

Q. Did you cross at or near the immigration office?

A. I walked around the immigration station.

Q. How far from the immigration station?

A. I should judge half a mile.

Q. Was it your intention before arriving at the border to enter surreptitiously? A. Yes.

Q. Were you aware at that time that you were violating the law in so doing? A. Yes.

Q. Had you been warned before you left the United States under warrant of deportation that you would be subject to fine and imprisonment if you reentered the United States unlawfully?

A. Yes.

Q. Were you assisted in entering the United States, or accompanied by anyone? A. No.

Q. How did you get to the border?

A. By bus to Cardston, Alberta and I hitchhiked and walked the rest of the way.

Q. Did you get a ride at all?

A. Yes. On the Canadian side.

Q. Was it someone that you knew that gave you the ride? A. No, a stranger.

Q. Did he pick you up on the American side after you crossed?

A. No. I walked all the way into Browning then.

Q. Did you come to Spokane then?

A. Yes.

Q. Have you been residing in Spokane ever since that time?

Defendant's Exhibit No. 17—(Continued)

A. No. I worked in and out of Spokane. [294]

Q. Who was your last employer in Canada?

A. Fred Arnold, Irricana, Alberta.

Q. What did you do for him?

A. Farm hand in the spring of 1936 for approximately three months.

Q. Have you been employed by anyone in Canada for any length of time?

A. Martin Jensen, Ensign, Alberta for three years, from 1926, with the exception of the time I was down here, for three years, and Richard Parslow, Vulcan, Alberta for approximately three years, 1930 to 1934.

Q. What was your last address in Canada before coming to the United States?

A. Calgary, Alberta.

Q. What were you doing in Canada between the time you were deported and the time you last entered the United States?

A. I ran a lunchroom at Rosslyn, B. C., The Allan Grill, from June until November of 1938, and then the Kinema Lunch in Calgary from the spring of 1939 until the fall of 1939.

Q. Have you been back to Canada any time since your entry in 1939? A. No.

Q. Have you been arrested or in trouble with the police at any time or anywhere, including in Canada?

A. No. The only occasion was on this immigration matter.

Q. Of what race of people are you descendant?

Defendant's Exhibit No. 17—(Continued)

A. Scotch.

Q. What is your occupation?

A. Cafe operator, or cook.

Q. Do you own and operate a business?

A. Yes.

Q. What is the name and location of your business?

A. Empire Cafe. 110 North Division, Spokane, Washington.

Q. How long have you been operating that cafe?

A. Since February 16, 1942.

Q. What income do you derive from that business?

A. I am listed there at \$125.00 a month. Sometimes I make, sometimes I don't.

Q. Do you own any property in the United States or Canada?

A. None in Canada. Some personal property in the United States.

Q. What is the value of your personal property?

A. Approximately \$2,000.

Q. Do you have money in the bank? [295]

A. Yes, approximately \$750.00.

Q. Do you own any stocks or bonds?

A. No.

Q. Do you have any war bonds? A. No.

Q. Do you have any debts owing you or which you owe others? A. Owing me, yes.

Q. How much have you owing you?

A. Roughly \$500.00. Might be more, might be less.

Defendant's Exhibit No. 17—(Continued)

Q. Are they collectible?

A. Part of them are.

Q. Do you have any lawsuits pending against you or pending against anyone else?

A. Not against me. I have a judgment against another man.

Q. In the event you were ordered deported how long would it take for you to put your affairs in order? A. Two weeks or thirty days.

Q. Are you married? A. No.

Q. Have you ever been married? A. Yes.

Q. How many times? A. Once.

Q. When, where and to whom were you married?

A. Edith B. Ryan, October 31, 1941, at Coeur d'Alene, Idaho.

Q. How did that marriage terminate?

A. Divorce.

Q. Who secured the divorce?

A. My wife.

Q. On what grounds? A. Desertion.

Q. Are you paying alimony? A. No.

Q. Was any ordered by the Court?

A. No.

Q. When was the divorce granted?

A. April 1, 1942. [296]

Q. Do you have any children? A. No.

Q. Do you have anyone dependent upon you for support? A. No.

Q. Have you ever been on relief? A. No.

Defendant's Exhibit No. 17—(Continued)

Q. Have you ever been confined in any hospital or mental institution for treatment? A. No.

Q. Are you now in good health?

A. Yes.

Q. Do you have any relatives in the United States?

A. Yes, a brother, Wayne C. Ricketts, Winlock, Washington. That's all.

Q. What relatives have you in Canada?

A. I have six brothers and an aunt.

Q. What are your brother's names and addresses?

A. Clyde C. Ricketts, address Meeting Lake, Saskatchewan; Boyd C. Ricketts, address unknown, in Canada; Noel G. Ricketts, Mullingar, Saskatchewan; F. Glen Ricketts, Calgary, Alberta, street address unknown; Roy R. Ricketts, Canada, address unknown; Claude C. Ricketts, Canada, address unknown. Aunt, Grace E. Ricketts, Kamloops, B. C. That's where she was the last I knew of her.

Q. Is that all? A. Yes.

Q. Did you attend school in Canada?

A. Yes. Misterton School at Mullingar, Saskatchewan.

Q. How many grades did you attend there?

A. Eight.

Q. Did you attend any other school?

A. I attended the Eastend school at Hydro, Oklahoma, before I went to Canada.

Q. What is the highest grade you completed?

Defendant's Exhibit No. 17—(Continued)

A. Eighth.

Q. Were you baptized?

A. No, not to my knowledge.

Q. Did you attend any church in Canada?

A. Yes, the Presbyterian Church Calgary. [297]

Q. When did attend there?

A. In 1939 was the last time I attended service there. I am not a very regular church goer.

Q. Did you register for selective service?

A. Yes.

Q. With what board are you registered?

A. Board No. 4, Spokane, Washington.

Q. In what draft class are you now?

A. 4-H.

Q. Have you been called for service at all?

A. Yes.

Q. When?

A. November 11, 1942, and December 6, 1942.

Q. What disposition was made of you at that time?

A. I was called for examination. I wasn't called for service. I was 1-A and was called the 6th of last December and my class changed and they told me not to appear. I guess you can say I never have been called. They called me once for medical.

Q. Were you turned down for medical reasons?

A. No. I was over 38.

Q. Do you have any objections to serving in the armed forces of the United States? A. No.

Q. Have you ever belonged to the Communist Party? A. No.

Defendant's Exhibit No. 17—(Continued)

Q. Have you ever belonged to the German Bund or any organization of a similar nature?

A. No.

Q. The hearing in your case will be adjourned at the present time to a future date inasmuch as you have applied for the privilege of departing voluntarily from the United States in lieu of deportation in order that a character investigation may be conducted in your case and made a part of the record of hearing. You will be notified when to appear. Do you expect to be at the same address indefinitely? A. Yes. [298]

Q. In the event you change your address will you so notify this office? A. Yes.

Hearing concluded.

I certify that the foregoing is a true and correct transcript of my stenographic notes taken in this hearing.

JAMES E. SULLIVAN,
Presiding Inspector. [299]

[Title of District Court and Cause.]

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

This matter coming on before the above-entitled Court for hearing on the 30th of September, 1946, and the plaintiff being represented by George W. Young, his attorney, and the defendant being represented by Harvey Erickson, United States Attorney

for the Eastern District of Washington, and the Court having heard the testimony introduced, the arguments of counsel, and having on the 2nd day of October, 1946 announced an oral opinion in the above-entitled cause, from the evidence introduced herein the Court makes the following

FINDINGS OF FACT

I.

That the petitioner or plaintiff herein is not a resident of the City of Spokane, County of Spokane, State of Washington, or a resident of the Eastern District of Washington, as the term "Resident" is defined in Title 8, Section 903, U.S.C.A.

II.

That the action set forth in plaintiff's petition was brought by virtue of the provisions of Title 18, Section 903, U.S.C.A., and other applicable provisions of law relating to declaratory judgments to determine nationality.

III.

That the petitioner was born at Hydro, Oklahoma, on February 3, 1902.

That the father of the petitioner was Siegel Ricketts, who was born in the State of Indiana, and that his mother was Emma Shepard prior to her marriage to his father, and she also was born in the United States.

V.

That Siegel Ricketts, the father of the petitioner, was naturalized in the Dominion of Canada on December 31, 1914, and that the petitioner was a minor child residing in Canada with his father at the time of his naturalization, and was on said date 12 years, 10 months and 29 days of age.

VI.

That on February 2, 1923, the petitioner became 21 years of age, and then lived in the Dominion of Canada. That the petitioner did not return to the [300] United States until about November, 1925. He remained in the United States for a period of six months, and then returned to the Dominion of Canada, and again entered the United States in 1926 and stayed for a period of about five months, and then returned to Canada and stayed until 1936 when he again entered the United States. That since said time the petitioner has remained in the United States more or less constantly.

VII.

That during the time petitioner resided in the Dominion of Canada, he held elective offices as school trustee and counselor to the municipality of Round Hill, Saskatchewan, during the years 1919 and 1920.

VIII.

That the petitioner after February 2, 1923, when

he became 21 years of age, had ample opportunity to return to the United States, and failed and neglected to do so for a period of two years and eight months after attaining his majority. Thereafter, he only lived in the United States for a period of about 11 months until 1936, and that the petitioner made no effort prior to 1936 to claim, maintain or reestablish his citizenship as a United States National from the date of his majority until his entry into the United States during 1936, and that he did affirmatively elect to abandon such United States citizenship as he had at the time of attaining his majority in Canada in 1923 and continuously thereafter for a period of thirteen or fourteen years.

Dated this 5th day of November, 1946.

SAM M. DRIVER,

United States District Judge.

Presented by:

HARVEY ERICKSON,

United States Attorney.

Approved by:

.....

Attorney for Plaintiff.

From the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

I.

That judgment be entered dismissing the plaintiff's petition. [301]

II.

That the plaintiff at this time is not a citizen of the United States.

III.

That the defendant be awarded its costs and disbursements in the above-entitled action in the sum of dollars.

Dated this 5th day of November, 1946.

SAM M. DRIVER,
United States District Judge.

Presented by:
HARVEY ERICKSON,
United States Attorney.

Approved by:
.....
Attorney for Plaintiff.

Filed Nov. 5, 1946. A. A. LaFramboise, Clerk.

[Title of District Court and Cause.]

JUDGMENT

This matter coming on for hearing before the above-entitled Court on the 30th day of September, 1946, the plaintiff being represented by George W. Young, his attorney, and the defendant being represented by Harvey Erickson, United States Attorney, and the Court having heard the testimony introduced, argument of counsel, and having rendered his oral opinion and made his Findings of Fact and Conclusions of Law, and it appearing to the satis-

faction of the Court that the petitioner, or plaintiff, William Wade Ricketts was born in Hydro, Oklahoma, on February 2, 1902; that when a minor in about the year 1910 his father and mother moved to the Dominion of Canada, and that his father was naturalized as a British subject on December 31, 1914, at which time the petitioner was 12 years, 10 months and 29 days of age, and that the petitioner resided in Canada constantly until his 21st birthday on February 2, 1923 and constantly thereafter for a period of about two years and [302] eight months after attaining the age of majority, and that the petitioner came to the United States in the first instance about February 1925 and stayed for a period of six months, and returned to Canada at the expiration of the six months, and after six months again returned to the United States and stayed within the United States for five months and then returned to Canada and stayed for a period of about ten years, or until 1936, and that the petitioner in the first 14 years after he attained his majority only resided in the United States for a period of about 11 months, and during his minority in Canada, during the years 1919 and 1920, he held an elective school office at Round Hill, Saskatchewan, and voted in Canada at a provincial election in 1927, and attempted to vote in a Dominion election in 1930, and plaintiff, or petitioner, made no effort to elect to become an American citizen until about 1936 when he moved to the United States; it is, therefore, by the Court,

Ordered, Adjudged And Decreed that the action instituted by the plaintiff, seeking to be declared

a citizen of the United States, be dismissed, and that the plaintiff take nothing by this action, and that the plaintiff be declared not to be a citizen of the United States, and

It Is Further Ordered that the defendant have judgment against the plaintiff for costs in this action in the sum of dollars.

Dated this 5th day of November, 1946.

SAM M. DRIVER,
United States District Judge.

Presented by:

HARVEY ERICKSON,
United States Attorney.

Approved by:

.....
Attorney for Plaintiff.

Filed Nov. 5, 1946. A. A. LaFramboise, Clerk.

[Title of District Court and Cause.]

MOTION FOR NEW TRIAL

Plaintiff, William Wade Ricketts, moves the Court for a new trial on the following grounds, to-wit: [303]

1. Newly discovered evidence, material for the plaintiff, which he could not with reasonable diligence, have discovered and produced at the trial.
2. Insufficiency of the evidence to justify the decision, as follows:
 - (a) Absence of evidence of affirmative acts on

the part of plaintiff showing intention to become expatriated;

(b) Continuity of claim of U. S. citizenship accompanied by entry into the U. S. following majority with knowledge and acquiescence of immigration authorities, together with avowed intention to take up residence therein apparently disregarded.

(c) Fact of resumption of residence in U. S.; presumption of permanent residence in U. S. following majority apparently ignored.

(d) Intent to claim U. S. citizenship following attainment of majority, accompanied by affirmative acts in support of such intent, not accepted.

3. Error in law occurring at the trial as follows:

(a) The judgment of the Court reflects failure to distinguish domicile from intentional claim of citizenship following plaintiff's attainment of his majority.

This motion is made in conformity with Federal Rules of Civil Procedure, 59-A, sub-division 2, and is based upon all of the records and files herein, the testimony already adduced, and the affidavits of Wayne Ricketts, Irene Margaret Ricketts, and William Wade Ricketts, hereunto annexed and by this reference made a part hereof.

GEO. W. YOUNG,

Attorney for the Plaintiff.

Copy received this 13th day of October 1946.

FRANK R. FREEMAN,

Attorney for Defendant.

Filed Nov. 13, 1946. A. A. LaFramboise, Clerk.

Napavine, Wn.

Oct. 14, 1946.

Dear Sir:

To the best of my knowledge I swear that the statements of William Wade Ricketts, my brother, are true. That I do know that he had claimed his desire at all time of being an American citizen & that he did stay & helped his parents in 1921 & 1922. He was married in 1923 and could not come then, but when he did come later they stayed with me & she insisted on going back to Canada & my brother tried his best to talk her into staying & she refused. I came home for a short visit in 1922 & Wade told me then that he didn't want to stay in Canada & never had cared about becoming a Canadian citizen.

Yours truly.

/s/ WAYNE RICKETTS

Napavine, Wn.

Subscribed and sworn to before me this 14th day of October, 1946.

(Notarial Seal) DORIS BOND,

Notary Public in and for the State of Washington,
residing in Chehalis. County of Lewis.

Witness:

LESLIE E. HUGHES

Canada,

Province of Saskatchewan—to wit:

In The Matter Of the citizenship of William Wade Ricketts of Spokane, in the State of Wash-

ington, one of the United States of America, Restaurant Proprietor,

I, Irene Margaret Ricketts of the Hamlet of Bapaume in the Province of Saskatchewan, Married Woman. [305]

Do Solemnly Declare That I am the wife of the above named William Wade Ricketts.

1. That in the Fall of the year 1926 I believe, I went to said Spokane, with the said William Wade Ricketts, and when we crossed the line between the Dominion of Canada and the said United States of America, the said William Wade Ricketts claimed to be an American Citizen and informed the immigration official to this effect and the said official let the said William Wade Ricketts pass as an American Citizen into the said United States of America, and stated that Gordon Ricketts our son was also an American Citizen by virtue of the citizenship papers of his father—the said William Wade Ricketts. I stayed at that time in Spokane aforesaid the Winter of 1926 and left for the said Dominion of Canada in the following Spring owing to illness.

2. The said William Wade Ricketts has always claimed to be a citizen of the said United States of America.

And I Make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of The Canada Evidence Act.

IRENE MARGRET RICKETTS

Declared before me at the Village of Spiritwood in the Province of Saskatchewan, the 4th., day of November 1946.

(Notarial Seal) CLIFFORD R. MORSE

A Notary Public in and for the Province of Saskatchewan.

My commission expires at death.

(Endorsed) Dated November 4th, 1946. In the Matter of the Citizenship of William Wade Ricketts of Spokane, Washington *County*, United States of America. Statutory Declaration of Irene Margaret Ricketts. C. R. Morse, Barrister, &c., Spiritwood, Sask.

State of Washington,
County of Spokane—ss.

William Wade Ricketts, being first duly sworn, upon [306] oath deposes and says: That he is the plaintiff in the above entitled action. That prior to the trial of this action he made diligent search as to the whereabouts of his wife, Irene Margret Ricketts, from who he separated a number of years last past and whose whereabouts was not within his knowledge. That since the trial of said action, his wife communicated with him and he was able to secure her affidavit attached to the motion herein.

Affiant avers that if granted a new trial or if this action is reopened for the taking of additional testimony, he will be able to supply evidence to the effect that he at all times claimed to be a citizen of the United States, and that at the first time of

his re-entry into the United States following his being taken to Canada by his father, he declared himself to be a citizen of the United States and was admitted for the purpose of making a permanent residence in the United States which he then and there intended to do. That he established a permanent home in this, the country of his birth, which permanent home was interrupted only by the emergency created by an illness of his wife and her insistence upon returning to her home in Canada.

Further affiant saith not.

WM. WADE RICKETTS

Subscribed and Sworn to before me this 13th day of November, 1946.

(Notarial Seal) PATRICIA BREVET
Notary Public in and for the State of Washington,
residing in Spokane.

Filed Nov. 13, 1946. A. A. LaFramboise, Clerk

[Title of District Court and Cause.]

STIPULATION

In this case it is stipulated by and between the parties through their respective counsel that there shall be and hereby is incorporated into and made a part of ground 3 of the motion for new trial herein, a paragraph to be designated 3-(b) to read as follows:

Failure of the Court to apply Title 8, Section 801, sub-division (a), U.S.C.A. and specifically that portion thereof reading as follows:

“That a person who has acquired foreign nationality through the naturalization of his parent or parents, and who at the same time is a citizen of the United States, shall, if abroad and he has not heretofore expatriated himself as an American citizen by his own voluntary act, be permitted within two years from the effective date of this chapter to return to the United States and take up permanent residence therein, and it shall be thereafter deemed that he has elected to be an American citizen.”

Dated at Spokane, Washington this 3rd day of December, 1946.

GEO. W. YOUNG,
Attorney for the Plaintiff.

HARVEY ERICKSON,
Attorney for the Defendant.

Filed Dec. 3, 1946. A. A. LaFramboise, Clerk.

[Title of District Court and Cause.]

RULING OF THE COURT ON MOTION
FOR NEW TRIAL

The Court: The Court is ready to announce orally its ruling on the motion for new trial in the case of William Wade Ricketts vs. The Attorney General of the United States.

The motion was made on several grounds; and it is the view of the court that a new trial is not warranted on the [308] basis of newly discovered evi-

dence. The familiar rule, of course, is that in order to justify a new trial on that ground, the evidence must have been discovered subsequent to the trial, must be such, the circumstances must be such that it could not with due diligence have been discovered prior to the trial, it must not be merely corroborative or cumulative in character, and of such a nature that in all probability would change the result of the trial. Applying those rules it is the view of the court that a new trial is not warranted on the basis of newly discovered evidence.

The court has given very serious consideration to the question of whether a new trial should be granted on the ground that the evidence does not sustain the judgment of the court, and that there was an error of law in the entry of the findings and judgment.

At the trial of this case the court assumed, erroneously, now, I think, that the 1940 Act which appears in Title 8, Section 801, United States Code Annotated, did not apply to this case, because the removal of the plaintiff from the United States, the naturalization of his father in Canada, his attaining the age of majority, all transpired many, many years prior to the effective date of this Act of 1940, but there is a proviso in here which the court since the making of the motion for new trial has considered, and has considered it in the light of the hearings before the committee on Immigration and Naturalization of the House of Representatives; rather voluminous committee hearings which Mr. Young has submitted for the court's considera-

tion, and they are very, very interesting and very enlightening.

This Act of 1940 provides that a person who is a national of the United States, whether by birth or naturalization, shall lose his nationality by obtaining naturalization in a foreign state, either upon his own application or through the naturalization of a parent having legal custody of such [309] person. Now, the committee hearings show that originally the bill was introduced in that form. It was proposed to provide that under circumstances such as these in the Ricketts case here, if a person born in the United States was taken during minority by his parents to a foreign country, and there his parents became naturalized, or reassumed a foreign nationality, that that child would then lose his American citizenship or nationality.

I might say at this point that in these hearings there were three departments, or four, rather, the Department of Justice, the War Department, to a minor extent, the Department of Labor, and the State Department, were very much interested in this proposed Act, which was to be a recodification or re-enactment of the naturalization laws of the United States. The two departments principally interested were the State Department and the Department of Labor, and much of this voluminous volume of the hearings is taken up, a large part of it, by the controversy between the attorneys for the Labor and State Departments over this very proviso which I think applies to this case.

As I say, originally it was provided that a person

under these circumstances should lose his nationality. That was considered too harsh by everyone, and the Labor and State Departments agreed upon this first proviso without much difficulty, which reads as follows:

“Provided, however, that nationality shall not be lost as the result of the naturalization of a parent unless and until the child shall have attained the age of twenty-three years without acquiring permanent residence in the United States.”

That proviso was put in for the purpose of taking care of cases where a parent took a child born in the United States to a foreign country and the parent then assumed the nationality [310] of the foreign country. It was thought fair to give that child under those circumstances two years after attaining majority, that is, until he was twenty-three years old, to make an election whether to take the nationality assumed by the parents, or retain the American nationality acquired by birth in this country.

Then this controversy developed as to whether anything should be done about the large number of people who had been taken to a foreign country, the parents were naturalized in the foreign country during their minority, and they had been here and had attained ages in excess of twenty three years. The members of the committee and the attorneys for these various departments said “Now, what shall we do about all these people, thousands of them, who have been in a foreign country after

they got to be twenty one years of age, under these circumstances, for four, five, fifteen or twenty years, and it is very interesting to note that there was a marked difference of opinion between the attorneys for the State Department and the Labor Department as to the meaning of the language of *Perkins vs. Elg*. The Labor Department people took the view that it didn't hold or say that a child losing American nationality or citizenship by foreign naturalization of parents must make an election to return to this country within a reasonable time. They simply said that it meant that under the circumstances that the child did not lose American nationality, and that there wasn't any necessity for Miss Elg to make an election in that case, because she returned promptly to the United States and there was never any question of her having lost her American nationality.

I, however, am inclined to agree that the view which I took of that case in the trial here is the same view taken by the Attorneys for the State Department, and that it is the correct one, that while it might not have been involved, [311] necessarily, in the holding of the case, that all of the reasoning in the case is based upon the fact that there is a dual nationality acquired by a minor whose parents become naturalized in a foreign country; that there is a dual nationality until that minor arrives at the age of majority, and that then the plain implication, I think, of the language of *Perkins vs. Elg* is that within some reasonable time after attaining the age of majority the minor must

make an election whether to take the foreign nationality of the parents, or return to the United States and retain the American nationality, but be that as it may, the attorneys throughout these hearings, the attorneys for the State Department, strenuously contended that the question of the status of these people who had been in the foreign country for a considerable length of time after majority should be left, not fixed by statute, but left to be determined on each individual case on the basis of the holding of *Perkins vs. Elg*. The Labor Department, the other hand, said "No, let's open the gate for them. It's true there are a lot of them, but we think in fairness to these people, since there's been so much vacillation over the years, the code changed several times by departmental rulings and *Perkins vs. Elg*, in fairness to them we should give them a definite time." Some said 1, and some said two years. Finally it was decided upon this second proviso, that all these people should be given two years in which to return to the United States. It reads:

"Provided further, That a person who has acquired foreign nationality through the naturalization of his parent or parents, and who at the same time is a citizen of the United States, shall, if abroad and he has not heretofore expatriated himself as an American citizen by his own voluntary act, be permitted within two years from the effective date of this chapter to return to the United States and take up permanent residence therein, and it shall [312] be thereafter deemed that he has elected to be an American citizen."

Now, the language of that proviso wasn't originally in that form, and Mr. Florney, who seemed to be the spokesman, counsel for the State Department, said "I don't think you people are doing what you intend to do." He said: "It is my position, the position of the State Department, that a person whose parents took him to a foreign country and became naturalized there during the minority of the child, that that child, if after attaining the age of twenty one lives in the foreign country for a considerable period, that that child thereby makes an election under Perkins vs. Elg." "Now" he said, "in your language you limit this to people who still have the American nationality. It is our position these people all have lost their American nationality, so this language wouldn't apply to them." Then this language was added, deliberately and intentionally, to cover that situation, at the suggestion of the Department of Labor they put in this language that it would apply to everyone living abroad under these circumstances if "he has not heretofore expatriated himself as an American citizen by his own voluntary act" and in the committee hearings it was said that voluntarily meant independent affirmative action, other than the mere residence in the foreign country. That is what that language means, I think, in the plain import of the discussion before the committee, what it was intended to mean.

Mr. Florney said "Why not let's change this, and leave out this "voluntary" and put action, then action would cover mere residence in the foreign

country" but they rejected his suggestion that the word "act" be changed to "action" because they didn't want it to cover mere residence, and it wasn't intended to cover mere residence.

Then Mr. Florney submitted this proposed proviso in place of proviso 2. There is considerable discussion here [313] about this proposal he makes, and he says:

"Yes sir, I mean taking their proposal, with modifications, retaining that two year provision, but without going so far as to make it necessary to hold that all of these people, regardless of how long they have been living abroad, are citizens. I have that, and I'll be glad to turn it over to the committee. I'll read it, as it is not very long."

The Chairman: Go ahead.

Mr. Florney: This is the Department of Labor draft, with these variations: Provided, further, that a person who, prior to the effective date of this act, has acquired foreign nationality through the naturalization of his parent or parents, shall, if abroad, and he has not heretofore after attaining the age of twenty one years manifested an "election of such foreign nationality, be permitted within two years from the effective date of this Act" etc.

There Mr. Florney tried to deliberately change this proviso so as to make it apply only to people who had not made an election by residence for an unreasonable length of time. The language which he proposed was "shall, if abroad, and he has not

heretofore after attaining the age of twenty one years manifested an election of such foreign nationality”.

In other words, if that proviso were adopted by the committee, then if anyone under these circumstances such as apply to Mr. Ricketts had lived in a foreign country, we'll say five years, then we would say “Well, he's manifested his election by five years residence, and this proviso does not apply to him”; but the committee rejected that proviso, and adopted this one that now appears in the act, which says that this shall allow everyone under these circumstances to [314] come in provided he hasn't expatriated himself by his own voluntary act, which means taking the oath of allegiance of a foreign country or some other similar act.

It has been the view of the court in this case that in the final analysis there was nothing here on which to base expatriation except continued residence in Canada. As the court pointed out, I think, during the first eleven years after Ricketts became twenty one he lived in Canada for all except eleven months, although he didn't come back here until he was about twenty-three. It is true that during minority he served as a school director, before he was twenty one, and I think he voted in a general election, but I think authority is overwhelming that mere voting is not a sufficient act to accomplish expatriation, so that it is my view in this case that this second proviso does apply to Mr. Ricketts. He either came in at the time or was already here; at any rate he was here permanently within this

country within two years after the effective date of this Act; I don't think there can be any question about that.

That's the view the court has come to. I, of course, would not reverse myself giving the matter serious consideration and careful thought, but I agree with someone who said "I will say what I think is right today even though it is inconsistent with everything I said yesterday".

I think a new trial should be granted here. Do you have a copy of the rules of civil procedure? I looked up the provision, and it is very broad, and it enables the court to grant a new trial where the case has been tried before the court, and it really amounts to a reversal. It isn't necessary to have a new setting for trial or to introduce further evidence unless the court wishes to do so. The language here is "A new trial may be granted to all or any [315] of the parties and on all or part of the issues: (1) (Applies to jury trials) (2) in an action tried without a jury, for any of the reasons for which rehearings have heretofore been granted in suits in equity in the courts of the United States. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment."

In this case the court does not consider it necessary to take additional testimony. I think that was pretty fully covered on the trial, and the new trial

being granted here purely on a question of law, it seems to me that all that will be necessary is to set aside the findings and judgment which have been entered, enter new findings of fact and a new judgment adjudging that the plaintiff is a citizen and national of the United States, and entitled to the relief sought.

I might say this, that the court hasn't changed its view of the facts in this case, and I propose to sign findings which show simply the bare facts of his having been born here, having been taken to Canada, the time he returned, and the length of time he has lived here, and then I would of course omit the conclusions as to the effect of that residence in the present findings. I think in one of them there is a findings there that he isn't a resident of this district. I would change that, of course, and find that he is a resident of the district, and then conclude that he is a national of the United States and entitled to the relief sought. I am basing that, of course, upon the second proviso of this Act. It may be that the Circuit Court of Appeals will take the view that under the facts he has expatriated himself regardless of the statute, but that will be in your record and my findings wouldn't change that one way or the other. Do you understand what the court has in mind? [316]

Mr. Young: I understand the court wants simple findings of his birth, and so on, that he was here prior to the adoption of this Act, and then a conclusion that he did not expatriate himself by his

own voluntary acts, and under the provisions of this section he is entitled to prevail.

The Court: Yes.

Mr. Young: I will present that.

The Court: I am not trying to tell you how to try your lawsuit, but I might say if this case goes up it would be very helpful to the Circuit Court of Appeals to have those committee hearings, because it changed my view entirely.

REPORTER'S CERTIFICATE

United States of America,
Eastern District of Washington—ss.

I, Stanley D. Taylor, do hereby certify:

That I am the regularly appointed, qualified and acting Official Court Reporter of the District Court of the United States in and for the Eastern District of Washington.

That as such reporter I reported in shorthand the above entitled cause before the Hon. Sam M. Driver, United States District Judge for the Eastern District of Washington, sitting at Spokane, Washington, on December 20, 1946; that the above and foregoing is a full, true and correct transcript of the stenographic notes taken by me of the proceedings had therein, and that the same contains all objections made and exceptions taken therein.

Dated at Spokane, Washington, this 23rd day of December, 1946.

STANLEY D. TAYLOR,
Official Court Reporter.

Filed Jan. 13, 1947. A. A. LaFramboise, Clerk.

[Title of District Court and Cause.]

ORDER GRANTING MOTION
FOR NEW TRIAL

This matter came regularly on for hearing on plaintiff's motion for a new trial, and the Court, after hearing the arguments of counsel, and being fully advised in the premises, does

Order, Adjudge and Decree that the motion be and the same hereby is granted upon the sole ground of error in law occurring at the trial, the Findings of Fact, Conclusions of Law and Judgment heretofore entered herein are vacated and set aside and the plaintiff is directed to prepare new Findings of Fact and Conclusions of Law and Judgment in conformity with the oral memorandum opinion rendered from the bench at the time of hearing.

Dated this 3rd day of January, 1947.

SAM M. DRIVER,
United States District Judge.

Filed Jan. 3, 1947. A. A. LaFramboise, Clerk.

[Title of District Court and Cause.]

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

This matter coming on before the above entitled Court for hearing on the 30th day of September, 1946, and the plaintiff being represented by Geo. W. Young, his attorney, and the defendant being

represented by Harvey Erickson, United States Attorney for the Eastern District of Washington, and the Court having heard the testimony introduced, the arguments of counsel, and being fully advised in the premises, the Court makes the following

FINDINGS OF FACT

I.

That the action set forth in plaintiff's petition was brought by virtue of the provisions of Title 18, Section 903, [318] U.S.C.A., and other applicable provisions of law relating to declaratory judgments to determine nationality.

II.

That the petitioner was born at Hydro, Oklahoma, on February 3, 1902.

III.

That the father of the petitioner was Siegel Ricketts, who was born in the State of Indiana, and that his mother was Emma Shepard prior to her marriage to his father, and that she was also born in the United States.

IV.

That Siegel Ricketts, the father of the petitioner, was naturalized in the Dominion of Canada on December 31, 1914, and that the petitioner was a minor child residing in Canada with his father at the time of his naturalization, and was on said date 12 years, 10 months and 29 days of age.

V.

That on February 2, 1923, the petitioner became twenty one years of age and then lived in the Dominion of Canada. That the petitioner returned to the United States about November of 1926. That he remained in the United States for a period of approximately six months, then returned to the Dominion of Canada where he resided until 1936 when he again entered the United States. That since 1936, the plaintiff has remained constantly therein, engaged in business, participated in civic affairs, registered as a voter, and voted in elections in the United States.

VI.

That the petitioner did not by his own voluntary act expatriate himself, but to the contrary has continuously asserted his claim of United States citizenship.

Dated this 3rd day of January, 1947.

SAM M. DRIVER,
United States District Judge.

Presented by:

GEO. W. YOUNG,
Attorney for Plaintiff.

From the foregoing Findings of Fact, the Court makes the following

CONCLUSIONS OF LAW

I.

That the petitioner is entitled to the benefit of the proviso contained in Title 8, Section 801-A,
U S C A

II.

That the petitioner was and now is a citizen of the United States, entitled to all of the benefits and privileges appertaining thereto.

Dated at Spokane Washington this 3rd day of January, 1947.

SAM M. DRIVER,

United States District Judge.

Presented by:

GEO. W. YOUNG,

Attorney for the Plaintiff.

Approved as to form

HARVEY ERICKSON

U. S. Atty.

Copy Received this 27th day of December, 1946.

HARVEY ERICKSON,

Attorney for Defendant.

Filed Jan. 3, 1947. A. A. LaFramboise, Clerk.

[Title of District Court and Cause.]

JUDGMENT

This matter coming on for hearing before the above entitled Court on the 30th day of September, 1946, the [320] plaintiff being represented by Geo. W. Young, his attorney, and the defendant being represented by Harvey Erickson, United States Attorney, and the Court having heard the testimony introduced, argument of counsel, and having ren-

dered his oral opinion on the motion for new trial herein, and made his Findings of Fact and Conclusions of Law, and being fully advised in the premises, does

Order, Adjudge and Decree that the petition of the plaintiff be and the same hereby is granted, and does further

Order, Adjudge and Decree that the plaintiff was and he hereby is adjudged to be a citizen of the United States entitled to all of the benefits and privileges appertaining thereto.

Dated this 3rd day of January, 1947.

SAM M. DRIVER,
United States District Judge.

Presented by:

GEO. W. YOUNG,
Attorney for the Plaintiff.

Approved as to form

HARVEY ERICKSON
U. S. Attorney

Copy Received this 27th day of December, 1946.

HARVEY ERICKSON,
Attorney for Defendant.

Filed Jan. 3, 1947. A. A. LaFramboise, Clerk.

[Title of District Court and Cause.]

NOTICE OF APPEAL

Notice Is Hereby Given that the Attorney General of the United States, defendant above named, does hereby appeal to the Circuit Court of Appeals

for the Ninth Circuit from the final Judgment entered in this action on the 3rd day of January, 1947.

Dated this 19th day of March, 1947.

HARVEY ERICKSON,
United States Attorney.
FRANK R. FREEMAN,
Assistant United States At-
torney,

Copy received this 19th day of March, 1947.

GEO. W. YOUNG,
Attorney for Plaintiff-
Appellee.

Copy of Notice of Appeal forwarded George W. Young, Attorney for Plaintiff-Appellee this 19th day of March, 1947.

A. A. LaFRAMBOISE,
Clerk.
EVA M. HARDIN,
Deputy Clerk.

Filed March 19, 1947. A. A. LaFramboise, Clerk.

[Title of District Court and Cause.]

STATEMENT OF POINTS RELIED
UPON ON APPEAL

The appellant states that in its appeal to the Circuit Court of Appeals for the Ninth Circuit from

the judgment entered in the above entitled case against the defendant, the appellant, on the 3rd day of January, 1947, adjudging that the plaintiff is a citizen of the United States and entitled to all the benefits and privileges appertaining thereto, appellant intends to rely upon the following points:

First: That the Court erred in making Finding of Fact No. 5, which was as follows:

“That on February 2, 1923, the petitioner became twenty one years of age and then lived in the Dominion of Canada. That the petitioner returned to the United States about November of 1926. That he remained in the United States for a period of approximately six months, then returned to the Dominion of Canada where he resided [322] until 1936 when he again entered the United States. That since 1936, the plaintiff has remained constantly therein, engaged in business, participated in civil affairs, registered as a voter, and voted in elections in the United States.”

Second: That the Court erred in making Finding of Fact No. 6, which was as follows:

“That the petitioner did not by his own voluntary act expatriate himself, but to the contrary has continuously asserted his claim of United States citizenship.”

Third: That the Court erred in making Conclusion of Law No. 1, which was as follows:

“That the petitioner is entitled to the benefit

of the proviso contained in Title 8, Section 801-A, U.S.C.A.”

Fourth: That the Court erred in making Conclusion of Law No. 2, which was as follows:

“That the petitioner was and now is a citizen of the United States, entitled to all of the benefits and privileges appertaining thereto.”

Fifth: That the Court erred in making its Judgment, ordering and decreeing that the plaintiff is adjudged to be a citizen of the United States, entitled to all benefits and privileges appertaining thereto.

Dated this 19th day of March, 1947.

HARVEY ERICKSON,

United States Attorney.

FRANK R. FREEMAN,

Assistant United States Attorney.

Attorneys for Appellant.

Copy received this 19th day of March, 1947.

GEO. W. YOUNG,

Attorney for Plaintiff-

Appellee.

[Endorsed]: Filed Mar. 19, 1947.

[Title of District Court and Cause.]

DESIGNATION OF PORTION OF RECORD
TO CONSTITUTE RECORD ON APPEAL

Comes now the defendant appellant, the Attorney General of the United States, and hereby designates the portion of the record to be transmitted to the United States Circuit Court of Appeals for the Ninth Circuit and to constitute the record in the above entitled case, to-wit:

1. Petition for Declaratory Judgment.
2. Answer.
3. Opinion of the Court dated October 3, 1946.
4. All exhibits.
5. Findings of Fact and Conclusions of Law dated November 5, 1946.
6. Judgment dated November 5, 1946.
7. Motion for New Trial.
8. Stipulation.
9. Order Granting Motion for New Trial.
10. Ruling of the Court on Motion for New Trial.
11. Findings of Fact and Conclusions of Law dated January 3, 1947.
12. Judgment dated January 3, 1947.

HARVEY ERICKSON

FRANK R. FREEMAN

Attorneys for Defendant-
Appellant.

Appellant, The Attorney General of the United States, 334 Federal Building, Spokane, Washington.

Copy received this 19th day of March, 1947.

GEO. W. YOUNG,
Attorney for Plaintiff-
Appellee.

Filed Mar. 19, 1947. A. A. LaFramboise, Clerk.

[Title of District Court and Cause.]

SUPPLEMENTAL DESIGNATION OF POR-
TIONS OF RECORD TO CONSTITUTE
RECORD ON APPEAL

Comes now the defendant appellant, the Attorney General of the United States, and hereby designates additional portions of the records previously designated to be transmitted to the United States Circuit Court of Appeals for the Ninth Circuit and to constitute the record on appeal in the above entitled case, to-wit:

1. Transcript of testimony.
2. Notice of Appeal.
3. Designation of Record on Appeal filed March 19, 1947 and Supplemental Record filed April 9, 1947.
4. Statement of Points to be Relied Upon on Appeal.

HARVEY ERICKSON

United States Attorney.

FRANK R. FREEMAN,

Assistant United States At-
torney,

Attorneys for Appellant.

Copy received this 9 day of April, 1947.

GEO. W. YOUNG,
Attorney for Plaintiff-
Appellee.

Filed April 14, 1947. A. A. LaFramboise, Clerk.

CLERK'S CERTIFICATE TO TRANSCRIPT
OF RECORD

United States of America,
Eastern District of Washington—ss.

I, A. A. LaFramboise, Clerk of the District Court of the United States for the Eastern District of Washington, do hereby certify the foregoing typewritten pages numbered from 1 to 325 inclusive, to be a full, true, correct and complete copy of so much of the record, papers and all other proceedings in the above entitled cause, as are necessary to the hearing of the appeal therein, in the United States Circuit Court of Appeals, as called for by the appellant in his Designation of Portion of Record to Constitute Record on Appeal and Supplemental Designation of Portion of Record to Constitute Record on Appeal, as the same remains of record and on file in the office of the Clerk of said District Court, and that the same constitutes the record on appeal from the Judgment of the District Court of the United States for the Eastern District of Washington dated January 3, 1947, to

the Circuit Court of Appeals for the Ninth Judicial Circuit, San Francisco, California.

In Witness Whereof, I have hereunto set my hand and affixed the seal of said District Court at Spokane in said District this 21st day of April, A. D. 1947.

[Seal] /s/ A. A. LaFRAMBOISE,
Clerk, U. S. District Court, Eastern District of
Washington. [326]

[Endorsed]: No. 11594. United States Circuit Court of Appeals for the Ninth Circuit. The Attorney General of the United States, Appellant, vs. William Wade Ricketts, Appellee. Transcript of Record. Upon Appeal from the District Court of the United States for the Eastern District of Washington, Northern Division.

Filed April 23, 1947.

/s/ PAUL P. O'BRIEN,
Clerk of the United States Circuit Court of Appeals
for the Ninth Circuit.

In the Circuit Court of Appeals of the United
States in and for the Ninth Circuit

No. 11594

WILLIAM WADE RICKETTS,

Plaintiff Appellee,

vs.

THE ATTORNEY GENERAL OF THE UNITED
STATES,

Defendant Appellant.

THE DESIGNATION OF PORTION OF
RECORD FOR PRINTING

The appellant desires to have the entire record
printed as certified by the trial court.

Dated this 9th day of April, 1947.

/s/ HARVEY ERICKSON,
United States Attorney

/s/ FRANK R. FREEMAN,
Assistant United States
Attorney
Attorneys for Appellant.

Copy received this 9 day of April, 1947.

/s/ GEO. W. YOUNG,
Attorney for Plaintiff
Appellee.

[Endorsed]: Filed April 23, 1947.

[Title of Circuit Court of Appeals and Cause.]

THE CONCISE STATEMENT OF POINTS
RELIED UPON ON APPEAL

Comes now the defendant appellant, the Attorney General of the United States, and hereby gives notice that he desires to adopt in the United States Circuit Court of Appeals the Statement of Points Relied Upon On Appeal filed in the United States District Court for the Eastern District of Washington, as a concise statement of points upon which he intends to rely in this appeal in this Court.

Dated this 9th day of April, 1947.

/s/ HARVEY ERICKSON,
United States Attorney

/s/ FRANK R. FREEMAN,
Assistant United States
Attorney

Attorneys for Appellant

Copy received this 9 day of April, 1947.

/s/ GEO. W. YOUNG,
Attorney for Plaintiff
Appellee.

[Endorsed]: Filed Apr. 23, 1947.